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## Senate

NOMINATION OF LEIGH MARTIN MAY TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA—Continued

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Leigh Martin May, of Georgia, to be United States District Judge for the Northern District of Georgia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. WHITEHOUSE. Mr. President, would the Senator from West Virginia yield for a question? I would like to figure out what the floor process is because, as I follow all of this, it appears to be a colloquy between Senators MANCHIN, TOOMEY, ALEXANDER, and HARKIN. I am trying to get a sense for how long this colloquy might take so I know when I should be back on the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. I can't speak for others. I will be about 3 to 5 minutes.

Senator HARKIN?

Mr. HARKIN. About the same—about 3 minutes.

Mr. MANCHIN. Senator TOOMEY?

Mr. TOOMEY. A good 20 minutes.

Mr. MANCHIN. I would say a good half hour.

Mr. WHITEHOUSE. And Senator ALEXANDER?

Mr. ALEXANDER. I will have about 20 minutes.

Mr. WHITEHOUSE. All right. Now I know.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

### CHILD PREDATOR LEGISLATION

Mr. MANCHIN. First, I wish to thank my good friend Senator PAT TOOMEY for working with me on this critical legislation to make sure our kids remain safe in every single school across this great country of ours. I am a father of three and grandfather of eight, and there is nothing more important to

me than protecting our children and grandchildren. Our bill is just common sense and has already passed by a voice vote with not one in opposition in the House.

This legislation makes sure all employees who work with our students pass a background check to make sure they have no criminal records or an abusive history. That includes everyone from principals, teachers, and secretaries to cafeteria workers and janitors.

Since January 1, 410 teachers across America have been arrested for sexual misconduct—just since January 1 of this year. That is more than one teacher per day who has sexually assaulted a student. And that only includes those who have been caught and detained. Do we dare wonder how many predators we could have prevented from harming our students if this bill had been passed years ago, including the outcome of the rape of a young West Virginia student named Jeremy Bell?

Twelve-year-old Jeremy was a fifth grade student from Fayette County, WV, who had been on an overnight fishing trip with his elementary principal when he mysteriously died from a head injury in 1997. Nearly 8 years later, investigators discovered that Jeremy was raped and murdered by none other than Edward Friedrichs, Jr. That was Jeremy's principal and supervisor on the trip. Thankfully, Mr. Friedrichs is now serving a life sentence in connection with Jeremy's death.

Although Jeremy's death is in and of itself disturbing, Mr. Friedrichs' past proves to be even more troublesome. Prior to working as Fayette County's principal, Mr. Friedrichs had previously been dismissed by a school in Delaware County, PA, on suspicion of sexual misconduct. That school then helped him land a new teaching position in Fayette County, WV. He taught for 26 years in West Virginia—26 years—before he was finally dismissed in 2001 when he was indicted for sexu-

ally abusing four boys—not one but four we know of.

This story is heartbreaking and simply unacceptable today. As a parent and grandparent and as a representative of the great State of West Virginia, inaction is not an option.

There are more than 4 million teachers and school staff employed by our public school districts across the United States. There are millions of additional workers who have direct access to students, including busdrivers, cafeteria workers, and janitors. Yet there is no national background check policy in place for the people who work directly with our kids everyday. Even worse, not all of our States require checks of child abuse and neglect registries or sex-offender registries. Not all of them. Some do. A lot don't. A recent report by the Government Accountability Office found that five States don't require background checks at all—nothing at all—for applicants seeking employment in our schools. In addition, not all States use both Federal and State sources of criminal data, such as a State law enforcement criminal database or the FBI's Interstate Identification Index.

Our bill would simply require mandatory background checks of State criminal registries, State child abuse and neglect registries, an FBI fingerprint check, and a check of the National Sex Offender Registry for existing and prospective employees.

Every child deserves to have at least one place where they feel safe and comfortable. For many of our kids these days, that place is at school.

This is truly a commonsense bill that aims to help protect our kids from sexual assault predators or any individual who inappropriately behaves in our schools.

It only makes sense that we do everything we can to allow our children to have one safe place in their life, and unfortunately that is our schools. If we can make even the smallest difference

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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in changing the outcomes of the lives of students like Jeremy Bell, then we have done our jobs.

I hope all my colleagues will consider this when they are thinking of saying: Well, we already do it in our State. Well, guess what, there are many States that do not for whatever reason. We are just asking to make it uniform across our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

UNANIMOUS CONSENT REQUEST—H.R. 2083

Mr. TOOMEY. Mr. President, I wish to thank my colleague Senator MANCHIN from West Virginia for his work on this, for being the lead Democratic sponsor on this very important piece of legislation. I also thank Senators MCCONNELL and INHOFE for cosponsoring the legislation. I would like to thank every single Member of the House of Representatives because every one of them voted in favor of this legislation.

I have a number of reasons I want to cite and develop in a series of arguments, Mr. President, but I understand the senior Senator from Iowa has some time constraints, so I will be cooperative in that respect and I will make a unanimous consent request at this time. I think Senator HARKIN will likely respond to that, and then I will make my arguments in favor of this legislation.

So at this time, Mr. President, I ask unanimous consent that the Senate vitiate cloture on the motion to concur in the House amendment to S. 1086, the child care and development block grant bill; that following the disposition of the Moss and May nominations, the Senate proceed to a vote on the motion to concur in the House amendment; and that following the disposition of S. 1086, the HELP Committee be discharged from consideration of H.R. 2083 and the Senate proceed to its immediate consideration, the bill be read a third time, and the Senate proceed to vote on passage of H.R. 2083.

The PRESIDING OFFICER. Is there objection?

The Senator from Iowa.

Mr. HARKIN. Mr. President, on behalf of Senator ALEXANDER and myself, I do object to the unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. HARKIN. Mr. President, I will take about 3 minutes, and I would like to thank my friend from Pennsylvania for being a gentleman and letting me have a few minutes to express myself before he gives his own expression of support for this bill.

First of all, I appreciate Senators TOOMEY and MANCHIN's interest in this issue. We have worked on this over the months to try to accommodate this legislation and to move it, but the issues are complex. The bill would affect millions of people. Members of the education and civil rights communities and others have raised legitimate concerns that we need to work through.

Members on both sides of the HELP Committee—which I am privileged to chair—have expressed hesitation about moving this absent constructive engagement by our committee.

Unfortunately, the Senator is asking us to take this bill without any debate or committee consideration. That, again, is a formula for bad legislation because recent steps have been taken by States to do their own background check requirements.

For example—I don't know this particularly—Pennsylvania recently enacted legislation to protect kids in school. We need to make sure that whatever we do here does not interfere with what the States themselves are doing. I think probably my colleague Senator ALEXANDER would address himself to that.

Again, this is the Child Care and Development Block Grant Act which passed 96 to 2 here in the Senate. In fact, the Senator from Pennsylvania supported the bill. It went to the House. They changed it a little bit, and then they passed it on a voice vote and sent it back to us. Now we are concurring in that vote in the House. Again, the bill is ready to go.

I would state for the record that back in September Senator ALEXANDER and I had offered the Senator from Pennsylvania a hearing on the bill and then an immediate markup. We would go to markup. What I could not guarantee the Senator from Pennsylvania was that his bill would come through as he wrote it. The committee sometimes makes decisions to change this or do that. I couldn't guarantee him that. What I could guarantee was a hearing and an immediate markup on the bill. But that did not seem to be acceptable to the Senator from Pennsylvania, and I understand.

Again, I just want the record to reflect that I am not unsympathetic to the goals of Senator TOOMEY and Senator MANCHIN on this issue, but I do believe it should go through the committee process. Since we are so close—we have worked on this Child Care and Development Block Grant Act a long time and it passed 96 to 2. The House added one little thing, and they passed it by voice vote; we agreed to that. We are ready to pass it and send it to the President.

We have had a great bipartisan working relationship on our committee thanks to our ranking member, Senator ALEXANDER, who will be taking over the chairmanship of this committee in January. I couldn't have asked for a better partner. We have a very diverse committee, but we passed 18 bills through our committee and signed by the President in the last 2 years. This will be the 19th.

So because we haven't had any markup on the amendment, that is why I am objecting—not that I am absolutely opposed to what the Senator is trying to do. But I do believe people on my committee deserve to have some input into this. Since I will be leaving, it will

then be Senator ALEXANDER's committee after the first of the year.

I thank the Senator from Pennsylvania for allowing me to speak first, and I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I thank the Senator from Iowa for his comments.

He cited I believe two principal arguments or concerns of his. One is the fact that this legislation has not yet been considered by his committee, and the second is that there are States taking action in various ways that ought to be contemplated. I am going to address both of those, but I would like to begin at what is, for me, the beginning.

Let me start by stating that I am a strong supporter of the Child Care and Development Block Grant bill. I voted for this bill in March, and I look forward to voting for it again. But one of the very reasons I support the bill is this bill that we are going to vote on, the Child Care and Development Block Grant bill, addresses the issue that I am trying to address in my bill, and that is protecting our children from sexual and violent predators.

I am the father of three young kids. I can't imagine anything more important than the safety and security of my kids, and I think most Americans would agree with me on that. While the Child Care and Development Block Grant bill takes an important step in that direction—it requires criminal background checks on daycare workers. And because it does, it is going to provide a level of protection for the 1.6 million children in federally-subsidized daycare—protection from the sexual and violent predators who might otherwise obtain jobs as childcare workers or employees of these daycare centers.

My question is this. Why are we stopping there? Why are we interested only in protecting the kids in federally-subsidized daycare? The 1.6 million there deserve protection, but what about the 49.6 million children who are a little bit older? They are in our Nation's elementary, middle, and high schools. Don't they deserve the same protection from sexual or violent predators as the really young kids do? I think we need to act now to protect all of our kids. That is what I am trying to do here, and it is a very urgent matter.

Senator MANCHIN talked of the absolutely horrendous case of Jeremy Bell. That is how I became aware of this situation. As Senator MANCHIN pointed out, it began in my State, Pennsylvania, and the terrible story ended in Senator MANCHIN's State.

When the perpetrator began molesting and abusing children, he was a teacher. He had molested several boys and raped one before the school figured out what was going on. Unfortunately, the prosecutors never felt they had enough evidence to actually bring a case. The school dismissed the perpetrator. But then, amazingly, this school in Pennsylvania helped this

monster get a job at a school in West Virginia. As Senator MANCHIN pointed out, he worked in West Virginia in exactly the same capacity, which gave him an opportunity to abuse more kids, and this tragic story didn't end until he raped and murdered a 12-year-old boy.

Well, justice has finally caught up with that teacher. He is going to spend the rest of his life in jail—which is, frankly, too good for him. But that is way too late for Jeremy Bell, his 12-year-old victim. Of course, now we know Jeremy Bell is not alone.

As Senator MANCHIN pointed out already, this year over 410 teachers and other school employees have been arrested across America for sexual assault or misconduct with children—410. That is more than 1 per day. And let's be clear. These are the people about whom we know enough and have enough credible evidence to actually have an arrest. How many more are out there but the prosecutors aren't confident yet that they can make a case?

In contrast to the 410 that have happened so far this year, back in April when Senator MANCHIN and I first came to the floor and asked the Senate to pass our bipartisan bill, at the time the number of teachers arrested was only 130. In the time we have waited, we have gone from 130 teachers and other school employees arrested for sexual misconduct with children to now over 410. How much bigger does this number have to get before the Senate decides this is something we should address?

Every one of these 410 stories represents a horrendous tragedy. One is a child whose abuse began at age 10 and only ended when, at age 17, she found herself pregnant with a teacher's child. Another is a teacher's aide who raped a mentally disabled boy in his care. Another is a kindergarten teacher who kept a child during recess and forced her to perform sexual acts on him. One teacher after another caught with images of child pornography on their computer—child pornography involving children as young as 1 years old. It is unbelievable stuff.

It is important, especially in my home State of Pennsylvania. Twenty-five of these arrested have been Pennsylvania teachers. A recent study found that Pennsylvania is second in the Nation for teachers who have been investigated for sexual misconduct with the children who are supposed to be in their care.

So I think we need to be acting now. We need to stop these tragedies. Our bipartisan bill, Protecting Students from Sexual and Violent Predators Act, takes an important step toward that goal. It works to ensure that school employees we hire are not sexual or violent predators. In fact, the background check provisions in our bill are nearly identical to the background check provisions in the Child Care and Development Block Grant bill, the one that we are going to vote on.

Specifically, the protecting students act requires background checks for all

existing and prospective school employees who have unsupervised access to children. The background checks must be thorough, covering four databases, including national databases. That would be the FBI fingerprint check, the National Crime Information Center database, the National Sex Offender Registry established by the Adam Walsh Act, the State criminal registries, and the State child abuse and neglect registries.

Now, let me give a recent example from the State of Alaska which illustrates just how important this requirement is. On August 29, Alaska State troopers arrested a middle-school teacher in Kiana, AK. The teacher had fled Missouri 4 years earlier to escape arrest.

Numerous witnesses accused the teacher over a decade of sexual and physical abuse of his own adopted children. This is hard to talk about because it is so disturbing, but I think we have to face it. The fact is he raped and starved his children. The children literally burrowed a hole in the wall, stole food from the freezer, and heated it on a furnace in their home just to survive. This monster was able to obtain a teaching certificate in Alaska and teach in the State for 4 years.

When asked how this could have happened, the Alaska Department of Education explained that Alaska only checks the State's criminal registry when running a background check on teachers. So his name never came up. Now, had Alaska searched the FBI criminal database, as my bill requires, the school would have learned that this monster was a fugitive in another State.

The protecting students act forbids schools from hiring a teacher who has committed certain crimes, including any violent or sexual crime against the child—whether a misdemeanor or a felony. This is necessary because all too often a predator will plead down to a misdemeanor when in fact he or she may be guilty of something more serious.

The legislation also bans the horrible practice of a school knowingly helping a child molester obtain a new teaching job somewhere else so that he becomes a problem somewhere else. This practice sounds outrageous, it sounds incredible, but it happens. In fact, it happens so frequently it has its own name. It is called passing the trash.

Finally, if the State fails to comply with these requirements, it loses a portion of its funds under the Elementary and Secondary Education Act.

I mentioned earlier that this is a bipartisan bill. It is, to say the least, bipartisan. Support is so broad, in the House it passed unanimously over a year ago, in October of 2013. It was introduced by Democrat GEORGE MILLER of California, cosponsored by two Republicans and seven Democrats, including FREDERICA WILSON of Florida, who herself served as an elementary school teacher and principal for 20 years,

CHARLIE RANGEL of New York, and SHEILA JACKSON LEE of Texas. Here in the Senate, it has the bipartisan support of Senator MANCHIN, Senator MCCONNELL, Senator INHOFE, and myself.

Child advocates across America have endorsed the bill. The National Children's Alliance, which oversees national child advocacy matters, the Children's Defense Fund, the National Center for Missing and Exploited Children, the Pennsylvania Coalition Against Rape have all endorsed this bill. Law enforcement and prosecutors all support this bill. The Federal Law Enforcement Officers Association supports it, as do the Association of Prosecuting Attorneys and the National District Attorneys Association.

Teachers support this legislation—the American Federation of Teachers, the Pennsylvania School Board Association.

So more than 1 year after the House passed this bill unanimously, why have we refused to act in the Senate? Well, some have argued that the Federal Government doesn't need to act because we can leave it to the States. Some States have worked to address this problem to the extent that they can. The Senator from Iowa mentioned that my home State of Pennsylvania has recently enacted legislation that deals with it. This is true—much to the credit of State Senator Tony Williams, a Democrat, and State Representative Dave Maloney, a Republican.

The bill makes much-needed reform to strengthen background checks and ban passing the trash within Pennsylvania. But as my friend, Pennsylvania State Senator Tony Williams, explained, under the U.S. Constitution States cannot address the problem of child predators being passed across State lines. The jurisdiction of Pennsylvania ends at the Pennsylvania borders. There is nothing Pennsylvania can do to make it illegal for someone in another State to send into Pennsylvania a predator of this sort. Of course, the example of Jeremy Bell is just exactly one such case.

Another example is this. Recently in Las Vegas, NV, a kindergarten teacher was arrested for kidnapping a 16-year-old girl and infecting her with a sexually-transmitted disease. The same teacher had molested 6 children, all fourth and fifth graders, several years before while working as a teacher in Los Angeles. The Los Angeles school district knew about these allegations. How do we know they knew? In 2009 the school district had recommended settling a lawsuit alleging the teacher had molested children.

The Nevada school district specifically asked if there had been any criminal concerns regarding the teacher. The Los Angeles school district not only hid the truth, but they provided three references for the teacher.

Had my bill banning passing the trash been the law, maybe that 16-year-old child might have been spared.

There is another fundamental reason I think the Federal Government has to act; that is, it needs to be accountable to the American taxpayer. When the Federal Government gives billions of dollars to States to help pay for the salaries of people who work with children, the Federal Government has a duty to make sure it is not paying the salary of child molesters. It is a basic accountability that every taxpayer, I would think, should demand.

Again, in this regard, our protect all students bill is nearly identical to the child care and development block grant bill that we are going to be voting on. Both the child care and development block grant bill and our protect all students bill act to create what is a voluntary mechanism for States to enhance their security. Both bills provide that if the State accepts Federal funds, the State government must pass the laws or regulations providing for the criminal background checks of persons who will work with children. Both bills provide that a State's compliance is essentially voluntary. A State that declines to improve its background checks forgoes Federal funds. Under the child care and development block grant bill, the State loses 5 percent of the funds under that bill. Under our protecting students bill, the State loses funds under the Elementary Secondary Education Act. Thus, both bills have the same worthy goal, the same principle of accountability for Federal funds. They even have the same basic enforcement mechanism.

Both bills were passed unanimously by the House of Representatives, the child care and development block grant bill 2 months ago on September 15, the protecting students bill over a year ago on October 22, 2013. If one bill has legal problems for being passed, so does the other, but in fact neither bill should be blocked. They both take the same approach and they both provide an urgently needed measure of security for our kids.

Others have argued and we heard the senior Senator from Iowa make the argument that the Senate should wait and let the committee of jurisdiction, the HELP Committee, consider the bill first. Well, it has been over 1 year now that the HELP Committee has chosen not to take any action on this bill. Senator MANCHIN and I have been working for months trying to pass this urgently needed legislation, but we have never been able to make progress with the committee.

On April 10 of this year Senator MANCHIN and I asked unanimous consent to pass our bill. The committee chairman objected. Next, the committee assured Senator MANCHIN and me that they would work with our staff and the committee would vote on the bill in July. The committee scheduled a vote on our bill in July, posted an announcement on its Web site that it was going to have a markup on this bill, and then at the last minute the committee removed our bill from the agen-

da, had no consideration of it, denied us a vote and we never got an answer as to why. Again, Senator MANCHIN and I were assured that the committee would vote on this bipartisan bill. We were told the committee would work with our staffs during the 5-week recess in August and provide a vote in September. But then the committee ignored our staffs during the August recess and there was no such consideration in September.

Now here we are 7½ weeks after we went on recess in September and I still have no confidence that the committee is going to take this up and move this legislation. In the meantime, of course, child predators have not been at rest. They have been moving on to new victims. Every day brings another story of a teacher arrested, another family whose child has been shattered and a family who has been torn apart by grief and betrayal.

I think the children of America have waited long enough, and I say no more waiting, no more promises about jurisdiction and process and procedures that don't take place, no more passing child molesters on to new schools and new victims, no more defenseless kids such as Jeremy Bell falling victim to other child predators, no more excuses for avoiding an up-or-down vote that passed the House unanimously.

Let's act now. Let's protect all our kids. Let's act now to protect the 1.6 million kids in the federally subsidized daycares as the child care and development block grant bill does. Let's pass that. I am for that. But let's also protect the 49.6 million kids who are in our elementary and middle and high schools. We can do this. We can do this tomorrow. We can do this tomorrow. We can pass them both tomorrow if we just have a vote, and we would send two bills to the President's desk. I am quite confident he would sign them both. He would sign the child care and development block grant bill and he would protect those 1.6 million kids and I am confident he would sign the Protecting Students From Sexual and Violent Predators Act, and then we would be protecting the 49.6 million slightly older kids.

I urge my colleagues to act now and get on with a vote.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I applaud the Senators from Pennsylvania and from West Virginia for their concern. Of course, every single Senator would like, as the Senator from West Virginia said, to make sure every single child is safe in every single school.

The question in my mind is, How does one do that? My mind goes back to a particularly horrific shooting in a school in the early 1990s and the country was revulsed by it and Congress acted. We are going to make every single school safe. So Congress passed the Gun-Free School Zones Act in about 1990, and the Supreme Court in a few

years held it unconstitutional under the commerce clause, which isn't a problem here, but I opposed that then—I was U.S. Education Secretary then—because the way to make every child and every school safe is not the job of the U.S. Senate and U.S. Department of Education. That is not the way to do it.

We have 40 million children, right. We have 100,000 schools, correct. We have 14,000 school boards. We have 100,000 principals. What this proposal would do is to put the U.S. Department of Education and the U.S. Congress—which currently has about a 10-percent approval rating—in charge of making every single child in every single school safer than the local school board can, than the local legislator can, than the local Governor can, than the local community can, than the parents can. If we want safe schools, that is the job of parents, communities, school boards, and States. It is not a duty to be bucked upstairs to the Senate and the Department of Education. That doesn't make Sam Houston Elementary School in Lebanon, TN, any safer. I don't think many parents would go home feeling better tonight in my hometown if they knew it was the Senate they were counting on to make their child safe in their school. Of course this is the right goal, but there is a better way to do that. There is a better way to do that.

The reason the Senator from Iowa and I offered to the Senator from Pennsylvania and the Senator from West Virginia an opportunity to have a hearing and a markup on this bill in September was we think we have a better idea, and that was simply to take the very well-meaning impulse that they have and change the direction in a fundamental way, which was to say instead of making every one of our 100,000 schools do this, and telling them how to do it, we will enable them to do it by giving them access to all the Federal registries by allowing them to use Federal title II money to do it, to use title II money for training. We thought we had a better way to get to the same goal, which is to make every single child safe.

All of us are horrified by these stories. So the question is, What is the best way to deal with it. Some people say let Washington do it.

I just went through a little reelection campaign in Tennessee. I don't think I had one person come up to me and say: Why don't you let Washington tell us what to do about the employment practices in our local schools. I don't think I had a single person come up and say: I think you guys in the Senate care more and know more about how to make every single child in every Tennessee school safer by your actions in Washington. They know better than that. In fact, they came up to me and said: Tell Washington to stop telling us what to do about our academic standards, Common Core. This is Common Core for employment practices. Stop

Washington from telling us what to do and about what the curriculum ought to be. Stop Washington from telling us what to do about training our teachers, about evaluating our teachers, about how long our class sessions ought to be, about how large our classes ought to be. We have proposals that come through this same committee. The President has one involving preschool that would create a national school board for preschool education. Class size, teacher salaries, length of school days, all those things would be decided by people with wisdom in Washington. I reject that. I would particularly object to that when I was Governor of Tennessee, which I was for 8 years.

If there were a horrific case in Tennessee of sexual predation in one of the schools, I wouldn't have phoned Washington to find out what to do about it. I would have called the legislature into session and done something about it. If I were to have found that I didn't have access to the Federal registries or any central registries, I would then have said to my U.S. Senator: Why don't you give us these tools to do it—which is what I would propose to do.

I ask unanimous consent to have printed in the RECORD a summary of a proposal I would make that would help every one of our 100,000 schools to do a better job of dealing with employment practices and criminal background checks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PROTECTING STUDENT SAFETY ACT

Purpose: To protect student safety by allowing States to use federal funding under the Elementary and Secondary Education Act to establish, implement, or improve policies and procedures for implementing background checks of school personnel.

#### WHAT THE BILL DOES

Allows States or local school districts to use federal funding under Title II of the Elementary and Secondary Education Act to establish, implement, or improve policies and procedures on background checks for school employees to:

- conduct searches of appropriate State and Federal criminal registries, as determined by the State;

- implement policies and procedures that prohibit the employment of individuals who either refuse to commit to a background check, make false statements, or have been convicted of certain violent or child abuse related crimes, as determined by the State;

- establish implement, or improve policies and procedures concerning the timely disclosure, notice, and appeal of background check results;

- develop, implement, or improve mechanisms for assisting in the identification of and response to incidents of child abuse, including by providing training and development for school personnel; and

- implement any other activities determined by the State to protect student safety.

Precludes any private right of action if a school or school district is in compliance with State regulations and requirements.

Allows States and local districts to charge limited fees to school employees for the costs of processing and administering background checks, as required by State law.

#### REASONS TO SUPPORT THIS BILL

Support what most States are already doing—According to GAO, 46 States already

require background checks of some kind for all public school employees and 42 States have established professional standards or codes of conduct for school personnel.

Rather than mandating a one-size-fits-all approach for 14,000 local school districts and 100,000 public schools, provides States with flexibility to establish, implement, or improve background check policies and procedures that best meet State and local needs.

Supports State and local efforts to increase reporting of child abuse, limit the transfer of school personnel implicated in abuse, as well as provide training on how to recognize, respond to, and prevent child abuse in schools.

It will protect schools and local school districts from civil litigation resulting from background check decisions that are otherwise in compliance with State regulations and requirements.

Mr. ALEXANDER. This is a surprising development for me. I understand the terrible nature of the problem, but I think it is so important that we not lead the American people into thinking we could solve these community problems by asking Washington to do it. If we have an obstacle here, if there is no access to a registry, let's change that. I would love to have a Toomey-Manchin bill with their names on it to give every single school board, 100,000 schools the tools they need to do the job. But they should be accountable for it, not the Senator from Tennessee. They should be accountable for it.

ADM Hyman Rickover was the leader and inventor, really, of our nuclear Navy, and our nuclear Navy has never had a problem—never had a death I should say—from the reactors on our nuclear submarines. I think the reason is because Admiral Rickover hired every one of the captains. He told them: You have two responsibilities, one is the ship and one is the reactor. If something happens to the reactor, your career is over. I think putting the captain on the flagpole and making it clear whose job it is to be accountable for safe schools is a big part of it.

If we make it look as though somehow the Senate takes care of making a school in Pennsylvania or West Virginia or Tennessee safe because we passed some bill and wrote some regulation and caused everybody to fill out a lot of forms in the 46 States that already have criminal background checks of their own, then I think we have done a disservice. I think we have done a disservice. We had a recent example on legislation in our committee on compounding pharmacies. We had a terrible situation where a compounding pharmacy in Massachusetts, acting like a manufacturer, produced sterile products that weren't sterile, and as a result in Tennessee and many other States people were injected with unsterile drugs and they caught meningitis and they died. It was an awful disease and a terrible thing to happen. Part of the problem was who was on the flagpole, who was in charge. Was it the Food and Drug Administration or was it the State Control Board in Massachusetts?

Our legislation sought to clean that up and to make it clear that someone was accountable. I think the persons accountable for safe schools are the principal of the school, the local school board, the parents, and the students in that community. The rest of us can give them tools and remove obstacles and get out of the way. But the idea that we should pass a law, tell them how to do it, and inevitably write these complicated regulations that they have to fill out, that is not going to make every single child in every single school safer.

As I said when I began, the Senator's passion is evident. I respect that, and I respect him as a Senator. We don't have two better Senators in our body than the Senator from West Virginia and the Senator from Pennsylvania. They know I feel that way.

But I have a profound difference of opinion about this. I will say that if they wanted to consider this with the child care and development block grant, they have plenty of opportunity to do that. We have had a lot of complaining on our side of the aisle about the lack of what we call a regular order.

We say we have not been allowed to offer amendments, and that has been true. There has been a record-low number of amendments in this session of Congress, and the distinguished Senator in the chair has been among those who have pointed that out. But in this case, this was a model of how we should consider legislation. It was considered in the committees in the House and the Senate. This amendment was not offered in the committees in the House and the Senate. It then passed the Senate committee and came to the floor.

In March we had an open amendment process for anything that had to do with the bill. Fifty amendments were filed, and 18 amendments were considered and agreed to. There was no filling of the tree. There was no motion for cloture. There was simply an open amendment process and a vote. This amendment could have been offered then.

Let's put that off to the side. I think the more important discussion we need to have is who is in charge of these schools? Who should create the academic standards? If the U.S. Department of Education should be responsible for determining what the employment practices are in 100,000 public schools, then there should be no objection to the U.S. Department of Education ordering every school in America to adopt the Common Core or ordering every school in America to have a class size of X or ordering every school in America to pay teachers this much or determining, as this current Department of Education tries to do, how you should evaluate teachers in Pennsylvania, New Mexico, or Tennessee. I don't think that is the way our country was set up. I don't think that respects our constitutional framework. I don't think it is consistent

with the spirit, at least, of the 10th Amendment to the Constitution.

I do not think the American people—and I know Tennesseans don't—want Washington telling them how to run schools, and there is nothing more fundamental about running schools than telling 100,000 schools and their school boards and their Governors and their legislators and their parents what their employment practices ought to be. Plus, I don't think it will make the school safer. I think what will make it safer is a bill that has the courageous attention—as the Senator from Pennsylvania and West Virginia have given to the problem—that would give all those local organizations an opportunity to access the registries that are available, to deal with people who go across State lines, give them access to title II funding so they would have money for that and money for training. So it is a choice between mandating and enabling. I am on the side of local school boards, not a national school board.

While I respect the effort of the Senators and I believe the subject is urgently important for our country, I would prefer to see this matter considered with the Elementary and Secondary Education Act, which will be the first order of business in the new session of Congress, and I am chairman of that committee. Let's have a discussion about the best way to do that. Do a majority of the Senators on the committee really think Washington can do a better job of making every single child and every single school safe by mandating and ordering and regulating or does a majority of the committee in the Senate think that the Senators have called to us an important need where we might step in and make it easier for local school boards and State departments of education to update their programs—46 States already have them—and use Federal dollars to implement those programs? I prefer the latter; these Senators prefer the former. That is well worth discussing in the committee, and I look forward to doing that.

I came to the floor tonight to make clear that I see this as a fundamental difference of opinion, one that deserves attention, to show my respect for the Senators from Pennsylvania and West Virginia, and to offer the framework for what I think is a better idea for making every single child in every single school safe.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. HEINRICH). The Senator from Pennsylvania.

Mr. TOOMEY. Mr. President, I find myself in the unusual position of disagreeing with the senior Senator from Tennessee. I have so much respect for the Senator. We are in agreement far more than we are in disagreement, but we do disagree about this, and I feel compelled to address several of the issues the Senator from Tennessee

raised, and then I will be finished. I know there are other Senators who would like to speak.

First of all, I think it is very clear that my bill no more creates a national school board than the child care and development block grant creates a national school board for childcare centers. It is the exact same set of circumstances, the exact same protections, and it is provided by the Federal Government.

I don't understand why, if it is OK for the Senate and the Federal Government of the United States to ensure greater security for children daycares, it is somehow not acceptable to provide that same level of security to kids who happen to be a little older. That is what we are talking about. I don't understand that.

The other point I would make is that, in fact, both bills—the child care and development block grant bill and my bill, the Protecting Students from Sexual and Violent Predators Act—are voluntary. Neither one has the power or attempts to compel a State to do a thing. It says: This is what we want you to do. If you don't, you are going to lose some funding, but that is it.

So there is absolutely a mechanism that creates an incentive, but we don't have the constitutional power to actually enforce it. Neither bill does. Both bills use the exact same mechanism to encourage compliance with a standard that will ensure greater safety and security for our kids.

Furthermore, I suggest that we absolutely have a responsibility to be concerned with how the money is spent. The taxpayers whom we represent expect us to provide some oversight and insist that there are some standards in the way the moneys are spent. That is a reasonable expectation for the Federal Government.

In addition, there is an element of this problem that can't be solved by any given State, and that is the cross-border nature of the problem. Specifically, the case of Jeremy Bell illustrates this perfectly—tragically but perfectly—and that is when a teacher leaves one State and goes to another State and commits the atrocities on a new set of victims. There is nothing the Commonwealth of Pennsylvania can do to make it illegal for another State to have a school that sends a letter of recommendation. The powers of Pennsylvania end at the border of Pennsylvania, and that is the case with all 50 States. So it seems to me that this, like other circumstances, simply requires a Federal solution.

Finally, I will say that my constituents are in many ways very skeptical of the Federal Government. There is no doubt about that, as Senator ALEXANDER observed with his constituents. But many of them are shocked to learn we don't have background-check requirements such as what my bill contemplates and what the child care and development block grant bill does. They are shocked to discover this is

not already the law. I think they would feel safer if they knew it was the law.

Mr. ALEXANDER. Mr. President, the Senator from Rhode Island is here, and it is his turn. I wish to make a few comments.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. There are a couple of differences. Under the Parliamentarian's ruling, this amendment is not under the block grant bill. No. 2, all the funding for the vouchers that go to mothers who may use the block grants for daycare while they go to work, which is what our bill is about, all comes from the Federal Government.

The whole principle of that bill—it is a pretty good Republican bill, in my view—is that there is a lot of flexibility. In fact, we had a pretty good debate about the criminal background checks in our bill. I would have preferred to have given the States more flexibility for the reasons I have stated, but I agreed to what was done. It has 100 percent Federal funding, whereas the Federal Government only funds 10 percent of our schools.

The penalties for not taking the Federal orders for what your personnel practices ought to be are much more severe in the bill from the Senator from Pennsylvania. He would cause you to lose 10 percent of your school funding. Under the childcare block grant, you would lose 5 percent of the Federal funding. But the issue remains the same, and it is a good issue.

I hear it on our committee. The Senator from Rhode Island is on that committee. He has heard Senator HARKIN and me argue about this. You can make a very good argument to say that we provide some money, therefore we ought to write some rules. So we are going to write the rules for personnel practices; we are going to write the rules for academic standards—also called Common Core; we are going to write the rules for qualifying how teachers should be evaluated. Even in our preschool programs, we are going to say what the rules are for class size and the length of the school day.

That sounds very good, but when you operate a school, you say: Who are these people? They might give me some tools, which we could do—and I would propose we do—or they might allow us to use some Federal money so we can have a better personnel practice, but we really don't think it works. We don't think that every time there is a horrific problem in our community, the Federal Government should step in and tell us how to fix it.

That is a really big difference, and it is particularly a big difference with schools, and it is a debate that will likely go on for some time.

I thank the Senator from Rhode Island for his patience.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I found the discussion edifying, and it was time that was well spent.



## CLIMATE CHANGE

Mr. President, we are now reconvened after the election recess, and I am back on the Senate floor for the 79th consecutive week of Senate session to draw the attention of this body to the growing threat of global climate change.

I will first congratulate my Republican colleagues on achieving a majority in the Senate in the coming Congress. With control of the House and a majority in the Senate, Republicans now have great power in Congress. As the well-known saying goes, however, "with great power comes great responsibility."

The hallmark of the Republican minority was obstruction—often pointless obstruction, obstruction for obstruction's sake. A rational and fact-based focus on the issues has not been, to put it mildly, their hallmark. That was their choice, and it is the privilege of the minority party in the Senate to behave that way. The minority party in the Senate can choose to simply make themselves antagonists with no policy responsibility. I have to say they did an amazing job of that. But now my colleagues have a majority, and they have the power and the responsibility that comes with that beginning in January.

The touchstone of responsibility is to be responsible. I will concede the Senate could actually become a better place if the new majority, when it comes in, chooses to be responsible and the uniquely partisan obstruction that characterized their role as the Senate minority passes away as they move into the majority.

A key test to this, however, will be whether the Republicans here in the Senate choose to become responsible about climate change; about what carbon pollution is doing all around us, to our atmosphere and to our oceans; about what happens when carbon concentrations in the atmosphere that have varied between 170 and 300 parts per million for as long as we have been a species on this planet suddenly surge to 400 and beyond; about what happens when scientific laws that have been understood since Abraham Lincoln was riding around Washington, DC, in his top hat begin to impose their inexorable effects upon this world.

In the minority, they pretended it wasn't real. Some even said climate change was a hoax. Many said they were not scientists and so they couldn't do anything about it. I would note they are not gynecologists, either, but many have no hesitation about trying to regulate that area.

No one would work on doing anything serious about carbon dioxide emissions. It was not always this way. Republican Senator John Warner was the lead sponsor of the Warner-Lieberman climate bill. Republican Senator JOHN MCCAIN ran for President on a solid climate change platform. Republican Senator SUSAN COLLINS coauthored an important cap-and-dividend

climate bill with Senator CANTWELL. Republican Senator MARK KIRK voted for the Waxman-Markey cap-and-trade bill in the House of Representatives. Republican Senator JEFF FLAKE was an original cosponsor of a carbon fee bill led by former Republican Congressman Bob Inglis that would have placed a \$15-per-ton fee on carbon pollution in 2010, more than \$20 per ton in 2015, and \$100 per ton in 2040. Well, all of that ended. That and more ended shortly after the Citizens United decision when for the first time our elections were flooded with polluter money and flooded with dark money, which is probably polluter money, but because it is dark and anonymous, we don't really know.

So say you are not a scientist. Isn't the responsible thing to sound out scientific opinion? Scientific opinion about climate change is now firmly settled. Climate change is caused by the massive carbon pollution we have unleashed. Every major scientific society in our country knows this and has said so. Here is a list. If my colleagues want to, they can check with them. This is a list from a letter dated October 21, 2009—more than 5 years ago. We have been fiddling around on this since the science was so clear.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 21, 2009.

DEAR SENATOR: As you consider climate change legislation, we, as leaders of scientific organizations, write to state the consensus scientific view.

Observations throughout the world make it clear that climate change is occurring, and rigorous scientific research demonstrates that the greenhouse gases emitted by human activities are the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science. Moreover, there is strong evidence that ongoing climate change will have broad impacts on society, including the global economy and on the environment. For the United States, climate change impacts include sea level rise for coastal states, greater threats of extreme weather events, and increased risk of regional water scarcity, urban heat waves, western wildfires, and the disturbance of biological systems throughout the country. The severity of climate change impacts is expected to increase substantially in the coming decades.

If we are to avoid the most severe impacts of climate change, emissions of greenhouse gases must be dramatically reduced. In addition, adaptation will be necessary to address those impacts that are already unavoidable. Adaptation efforts include improved infrastructure design, more sustainable management of water and other natural resources, modified agricultural practices, and improved emergency responses to storms, floods, fires and heat waves.

We in the scientific community offer our assistance to inform your deliberations as you seek to address the impacts of climate change.

Alan I. Leshner, Executive Director, American Association for the Advancement of Science; Timothy L. Grove, President, American Geophysical

Union; Keith Seitter, Executive Director, American Meteorological Society; Tuan-hua David Ho, President, American Society of Plant Biologists; Lucinda Johnson, President, Association of Ecosystem Research Centers; Thomas Lane, President, American Chemical Society; May R. Berenbaum, President, American Institute of Biological Sciences; Mark Alley, President, American Society of Agronomy; Sally C. Morton, President, American Statistical Association.

Kent E. Holsinger, President, Botanical Society of America; Kenneth Quesenberry, President, Crop Science Society of America; William Y. Brown, President, Natural Science Collections Alliance; Douglas N. Arnold, President, Society for Industrial and Applied Mathematics; Paul Bertsch, President, Soil Science Society of America; Mary Power, President, Ecological Society of America; Brian D. Kloeppel, President, Organization of Biological Field Stations; John Huelsenbeck, President, Society of Systematic Biologists; Richard A. Anthes, President, University Corporation for Atmospheric Research.

Mr. WHITEHOUSE. I could start with the body that was chartered 150 years ago, actually, to provide us independent, scientific, objective advice—the National Academy of Sciences. If that doesn't suit, try the American Association for the Advancement of Science or the American Physical Society or the American Meteorological Society or the American Geophysical Union or the American Medical Association or the American Chemical Society or the Geological Society of America. If none of my colleagues are scientists, check it out. Ask the responsible scientists. Ask the leading scientific societies.

If my colleagues don't believe the measurements—measurements confirm what the scientists know. Sea level is rising, and the rise is accelerating. We measure that with a glorified yardstick. It is already up nearly 10 inches at the Newport Naval Station since the 1930s when we in Rhode Island had the devastating hurricane of 1938. It is similar at Fort Pulaski in Georgia. Go visit Miami Beach, where they just spent hundreds of millions of dollars installing huge, 14,000 gallon-per-minute pumps to keep the city dry as the rising tides flood in.

The ocean is warming. We measure that with a thermometer. Narragansett Bay is nearly 4 degrees Fahrenheit warmer, mean water temperature, than 50 years ago. That is an ecosystem shift, and it has wreaked havoc with our winter flounder catch, for instance. Warmer waters aren't just in Rhode Island. They have brought the snook—a game fish from the Florida Keys—up into Georgia waters.

The ocean is more acidic, and it is getting more acidic at the fastest rate measured looking back millions of years in the geologic record. If my colleagues doubt that the ocean is acidifying, ask the oyster growers in the Pacific Northwest and Maine. Ask the scientists who study Alaska's salmon fishery about what is happening to

the pteropod, a key food source for salmon.

Here is my challenge to my Republican colleagues who say they are not scientists: Ask the scientists. Ask the scientists at your own home State universities. And ask the folks, by the way, employed by your outdoor industries—the people who see the changes happening around them. Ask your park rangers. Ask your forest rangers.

If a colleague is from North Carolina, ask the scientists at the University of North Carolina Institute of Marine Sciences.

If a colleague is from Colorado, ask the scientists at the National Center for Atmospheric Research in Boulder.

If a colleague is from Iowa, ask the scientists at the Center for Global and Regional Environmental Research at the University of Iowa.

If a colleague is from Arizona, ask the scientists at the University of Arizona, which hosts the Climate Assessment for the Southwest Program.

If a colleague is from Florida, ask the scientists at the University of Florida's Climate Institute.

If a colleague is from Texas, ask the scientists at the Texas Center for Climate Studies at Texas A&M. The Aggies get climate change. Check it out.

If a colleague is from New Hampshire, ask biologist Eric Orff, who worked for the New Hampshire Fish and Game Department for 30 years, what is happening to the moose. Ask Mike Bartlett of the New Hampshire Audubon Society what is happening to the purple finch, the State bird.

If a colleague is from Utah, ask the Park City Foundation and, while colleagues are at it, employees at Alta Ski Area, Canyons Resort, Deer Crest, Deer Valley, or Park City Mountain Resort what they foresee for that industry.

If a colleague is from Idaho, ask University of Idaho Professor Jeffrey Hicke how rising temperatures let loose the bark beetle and decimated almost 1,000 square miles of the iconic mountain pine forests.

If my colleagues like big business, if they think only the private sector knows anything, then ask the big property casualty reinsurers such as Munich Re or Swiss Re, who have billions of dollars at stake and have to get this right.

If a colleague is from Georgia, ask the folks from Coca-Cola. If a colleague is from Arkansas, ask the folks from Walmart. If a colleague is from North Carolina, ask the folks at \$30 billion clothing maker VF Corporation. They all have a lot of money riding on getting this right, and they are making decisions based on business, not on ideology. So ask them.

If my colleagues trust the military, ask ADM Samuel Locklear, commander of U.S. Pacific Command, who says climate risk is the most dangerous long-term challenge we face in the Pacific.

If my colleagues are looking for some pretty good high-level scientists, they might want to ask NASA and NOAA. Remember NASA? They put a rover safely on the surface of Mars, and they are driving it around on Mars. Do my colleagues think they might know what they are talking about?

If my colleagues need to hear it from Republicans, ask former Republican Treasury Secretaries, such as George Shultz and Hank Paulson. Ask former Republican EPA Administrators such as Bill Ruckelshaus, Christine Todd Whitman, William Reilly, and Lee Thomas. Ask James Brainard, the Republican mayor of Carmel, IN. Ask Bob Dixon, the Republican mayor of Greensburg. Ask Betty Price, the Republican mayor of Fort Worth, TX. Ask Republican mayor Sylvia Murphy and county commissioner George Neugent of Monroe County, FL.

If my colleagues are not scientists, just ask. Do your homework. Exercise this new great responsibility that will come with the great power you have won. But don't pretend climate change isn't real. Even your own young voters know better than that. A majority of Republican voters under age 35 think a politician who denies climate change is ignorant, out of touch, or crazy. Those were the words checked off in the poll. To paraphrase Michael Corleone from that great movie, "Don't tell me it isn't real, because it insults my intelligence and it makes me very angry."

To our Republicans, I say I want to be your best friend in all of this, the kind of best friend who tells you when you are in no shape to drive and should hand over the keys until you are sober enough to drive safely even if it makes you mad to hear it, the kind of friend who will tell you the truth you need to hear but don't want to hear. And let me say, friends don't let friends deny climate change.

I know the big carbon polluters want this issue to be ignored. But responsibility is knowing when to tell even your friends no. Responsibility is doing what is factual and is based in real science and measurement. Responsibility is doing what is right for your State and for your country in the long run, not just what rewards your supporters—even those really big supporters—in the short run.

Maybe as their friends you might even want to have a little conversation with them because this is only going one way. As Pope Francis just said, God is not "a magician with a magic wand." He put laws of the universe, laws of nature in place, and we don't get a pass on them just because it is politically convenient. How long does ExxonMobil think it can pursue unsustainable fossil fuel goals by fixing the politics? Laws of nature can't be bought or repealed. The Koch brothers are rich enough to buy virtually anything, but even they can't buy new laws of nature. BP went and quietly shut down its solar and wind programs, but carbon still does what carbon does.

As your friends, they might need a little intervention from you.

Just so you know, I am not going anywhere. I have homes and businesses being swept into the ocean in my State. I have fishermen who tell me it is getting weird out there in Rhode Island Sound, that the lobsters and fish aren't where they are supposed to be when they are supposed to be there, that they are catching the kinds of fish their fathers and grandfathers never saw in their nets.

It is getting weird out there. I am not going anywhere. My State is small and coastal, and worse, bigger storms put us in serious danger. I am not ever going to ignore that. I am never going to walk away from this issue. I will never deny what Rhode Islanders see right in front of their faces and what all our expert warnings tell us is only going to get worse.

If you are going to be responsible and not just powerful, you won't deny this issue and walk away either. I promise you this. One way or another, we are going to get this done.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PARAGUAY

Mr. LEAHY. Mr. President, a common reality that permeates the complex and colorful history of Latin America is large numbers of landless, impoverished people and small elites who control the majority of the land and the country's wealth, often exploiting its natural resources for personal gain.

While the significant growth of the middle class in some South American countries over the past decade is encouraging, nowhere is the disparity of land ownership more pronounced than in Paraguay, a landlocked country of 6.5 million people that rarely receives the attention of the U.S. Congress.

A few statistics tell the story. Some 80 percent of agricultural land in Paraguay is owned by just 1.6 percent of the landowners, and the 600 largest properties comprise 40 percent of the total productive land. Meanwhile, a third of a million small farmers have no land at all. It should surprise no one that 40



percent of the country's population lives in poverty and that land, wealth, and political power are concentrated in the hands of a few.

The conflict over land in Paraguay, which dates back hundreds of years, has grown even worse due to the expansion of mechanized soy production, primarily for export. Government policies, including tax breaks, access to credit, and weak environmental and labor regulations, have favored large corporate farms which are often foreign owned, over local family farms that receive little if any government support.

As we have seen in many other Latin countries, the Paraguayan Government has used the army, police, and judicial inaction or bias to protect the interests of the large landowners.

The 35 year dictatorship of Alfredo Stroessner ended in 1989. He ruled under a state of siege, imprisoned and tortured political opponents, and reportedly gave away or sold for a pittance 20 percent of the country's land to friends of his regime. Paraguay is slowly moving beyond the Stroessner years, but since 1989 more than 130 small farmers who have tried to defend their rights under the agrarian reform law have reportedly been killed.

I mention this bit of history to put into context what happened on June 15, 2012. According to information I have received, on that day several hundred police officers forcibly evicted a group of about 60 landless farmers who were occupying an area known as Marina Kue in eastern Paraguay. In the ensuing violence, eleven farmers and six police officers were killed and others injured from the gunfire. There has apparently been no investigation of the conduct of the police, despite the existence of published reports about human rights abuses, but all the farmers were charged with crimes.

This case offers the Paraguayan Government an important opportunity to conduct a thorough, independent investigation of the events of June 15, prosecute and punish those responsible for the killings and injuries of the farmers and police officers, and enable poor farmers in that community to acquire legal rights to land and put it to productive use to feed their families.

I understand that the Paraguayan Government recently began working to reach an agreement with the affected communities regarding the land dispute prior to the beginning of the trial of the farmers later this month. This is encouraging news, and it could be a turning point if it results in a thorough, independent investigation and prosecution of those responsible and a just resolution of the dispute.

Paraguay and the United States, while separated by more than 4,000 miles, share many interests. As chairman of the Appropriations Subcommittee on the Department of State and Foreign Operations that funds U.S. foreign assistance programs, I have supported programs to help Paraguay

strengthen its democratic institutions, promote efficiency and transparency, and promote equitable economic development. I also supported the funding for the Millennium Challenge Corporation's Threshold Program in Paraguay.

There will be other ways the United States can help Paraguay build the capacity and accountability of its public sector, expand its economy, and sustainably manage its natural resources. Few things would do more to advance these goals, and improve social stability, than addressing what happened at Marina Kue and providing access to land for Paraguay's small farmers. I am aware that several other Members of Congress are sending a letter to President Horacio Cartes urging these steps, and I look forward to his response.

#### CHIXOY DAM REPARATIONS AGREEMENT

Mr. LEAHY. Mr. President, more than 30 years ago, in the midst of Guatemala's civil war, the construction of a large hydroelectric dam on the Chixoy River resulted in destruction of 33 indigenous Mayan communities and the massacres of more than 400 villagers and other abuses by the Guatemalan army.

The history of that tragedy is well known so I will not recount it here. Suffice it to say that a great injustice was committed. There was ample blame to go around between the Army, the World Bank, and Inter-American Development Bank that financed the dam, governments, including the United States, whose representatives on the banks' boards of directors voted for the construction, and subsequent Guatemalan Governments that failed to compensate the victims or punish those responsible.

Last month, the Guatemalan Government and representatives of the communities culminated many months of negotiations with an agreement to implement the contents of the 2010 reparations plan, including individual payments and community development investments that will be financed over a period of years. The agreement was formalized at a public ceremony on Saturday, November 1, attended by Guatemala's President Otto Perez Molina, members of the communities, other government officials, and representatives of the multilateral banks and the United Nations.

There are many who thought this day would never come, and I commend the commitment and patience of the members of the communities, particularly those who lost loved ones so many years ago, the Guatemalan officials who negotiated the agreement, President Perez Molina for his personal support, as well as key officials from the multilateral banks who played an indispensable role, and Inter-American Development Bank President Luis Moreno, who also took a personal interest. I also commend the U.S. Em-

bassy officials and representatives of the Catholic Church who provided encouragement and support during this process. Finally, I want to acknowledge Guatemala's Ambassador to the United States and the U.S. Treasury Department officials who recognized the need to resolve this issue.

This is a historic milestone that finally begins to right a grievous wrong, a wrong that was emblematic of the horrors of the armed conflict that engulfed Guatemala a generation ago. A great many innocent people lost their lives or their livelihoods in that war, and many of the key provisions of the 1992 Peace Accords remain unfulfilled.

Until now, Chixoy was among the unfinished business, so this is a welcome and important step toward addressing the damages suffered by these communities. Yet I am as mindful as others that in many respects this agreement is only the beginning. The task ahead is to ensure its implementation, which will be the responsibility of the current and future Guatemalan Governments, the multilateral banks that have pledged to redirect some of their own resources to this effort, and all those who care about Guatemala's past, present, and future.

Mr. President, I ask unanimous consent that a description of Saturday's ceremony formalizing the agreement, provided by the Guatemalan Embassy in Washington, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### PRESIDENT PEREZ MOLINA FORMALIZES HISTORIC AGREEMENT

The President of Guatemala, Otto Perez Molina, formalized an historic agreement for economical reparations for 33 communities of Baja Verapaz affected by the construction of the Chixoy Hydroelectric in 1978.

A public event was held in the Municipal Stadium in Rabinal, Baja Verapaz on Saturday, where representatives of the Executive, the affected communities, the Human Rights Ombudsman's Office, the Organization of American States and the Office of the United Nations High Commissioner for Human Rights handed the Government Decree number 378-2014 to the Communities.

"Today is an historic day" expressed President Perez Molina, "one that closes a shameful chapter of abuses, human rights violations and injustices suffered by thousands of families that lived in the area where Chixoy was built". Also, in front of thousands of people from the affected communities that attended the formalization of the Government Decree at the Rabinal Municipal Stadium, he ratified his administration's commitment to comply with the terms of the Public Policy.

He continued to express, on behalf of the State of Guatemala, a public apology to the families of the 33 communities that were wronged by the construction in 1978 of the Chixoy Hydroelectric Dam. With this public apology, he began implementing the Government Decree for moral and material reparations. "I want to be the first to follow through with the public policy of reparations and comply with one of the main points of the agreement which is responsibility of the Presidency of Guatemala. So today, in this historic day of happiness and celebration of

the Agreement reached by the Government and the Communities, I want to take the first step and publicly apologize as President of the Republic, as representative of the unity of our citizens, for the abuse and human rights violations that each one of the communities suffered."

He continued to say: "On behalf of the State of Guatemala I ask you to accept these apologies so that we can heal the wounds in our hearts without forgetting the injustices and human rights violations that occurred."

President Perez Molina also said that he felt honored that his administration managed to reach an historic agreement that will contribute to overcome the drama that the Communities suffered for more than three decades. He continued to say that with the public event to recognize and repair the affected populations, one of his main objectives when taking office in January of 2012 was fulfilled. He went back and quoted his inauguration speech: "I ask God to grant us the wisdom to actively promote true reconciliation. A reconciliation that gives us the strength to work on our pending issues, on unattended injustices, on reconstructing our social fabric and to keep investing on the most valuable thing our Guatemala has, its citizens."

#### PUBLIC POLICY FOR REPARATION OF DAMAGES

Several Government officials attended the public event, which had Vice President Roxana Baldetti as honor witness. Present also were representatives of the communities, local authorities and representatives of international organizations.

President Perez Molina highlighted that the agreement required a public policy for reparations and a structured plan to combat poverty, social injustice, inequality and the abandonment that these communities have suffered.

The Government Decree that gives life to this agreement was published on Friday in the Official Gazette and establishes the Public Policy for the Reparation of the Communities Affected by the Construction of the Chixoy Hydroelectric Dam.

The Policy will be applied to benefit 11,383 families and will offer basic infrastructure for 33 communities in Baja Verapaz, Alta Verapaz and Quiché, where the affected populations lived when the violations occurred.

President Perez Molina highlighted that the implementation during 2015 and 2016 has a budget of 200 million dollars for individual reparations. Besides individual pay, the Government will direct 1 billion quetzals in the next 15 years to build basic infrastructure in the 33 affected communities.

#### TRIBUTE TO TERRY E. FORCHT

Mr. McCONNELL. Mr. President, I rise today to pay tribute to one of the leading businessmen and entrepreneurs from the Commonwealth of Kentucky. Terry E. Forcht is the founder, chairman, and CEO of the Forcht Group of Kentucky and was honored to be named the "Knox County Chamber 2014 Man of the Year" in recognition of his success in business and his contributions to the community.

Terry was born and bred in my hometown of Louisville, KY. Like me, Terry attended the University of Louisville for his undergraduate studies. He also obtained his law degree from the UofL Brandeis School of Law and subsequently left the Commonwealth to obtain his MBA from the University of Miami in Florida.

Terry would not leave Kentucky for long, however. He returned in 1964 to serve as a chairman of the Commerce Department at Cumberland College—now the University of the Cumberland—and 3 years later he started his own law practice in Corbin, KY.

In 1972, Terry bought the Hillcrest Nursing Home in Corbin—an acquisition that is widely considered to be the first piece of what would eventually become the Forcht Group of Kentucky. This initial purchase has grown into what is now called First Corbin Long Term Care and consists of nine health and rehabilitation centers in the region.

In 1972, Terry also became heavily involved in community banking. He was appointed to the board of directors of Corbin Deposit Bank and Trust Company, and as his interest and expertise in the industry grew, he founded Tri-County National Bank with a group of investors in 1985. As with his nursing home acquisition, this community bank quickly prospered and grew. Today there are 30 Forcht Bank locations in Kentucky with total assets of over \$1 billion.

Mr. Forcht has grown his company over the years into a sprawling enterprise that employs over 2,100 people. The Forcht Group currently consists of 22 radio stations, 19 finance company offices, 2 insurance companies, 2 newspapers, a pharmacy and diagnostic lab, a retail furniture and gift store, a construction company, real estate, and several other small businesses.

Outside of his business, Terry still manages to find time to stay involved in his community. Although he is no longer a practicing lawyer, he is still a member of the Whitley County and Kentucky Bar Associations. In the past he has been president of the Whitley County Republican Party and has run for a seat in the U.S. House of Representatives. He also currently serves on the board of directors of the Kentucky Chamber of Commerce and the Kentucky Economic Development Board.

Terry's success in business has also allowed him and his wife Marion to pursue their passion for philanthropy. They are both active members of Grace on the Hill Methodist Church and have generously donated large sums of their hard-earned money to the University of Louisville, the University of the Cumberland, and to the University of Kentucky. Many generations of Kentuckians will undoubtedly find new opportunities open to them because of Terry and Marion's contributions to education in the State.

The Knox County Chamber 2014 Man of the Year Award is a fitting tribute to a man who has contributed so much to his community. Terry's entrepreneurial zeal and commitment to furnishing quality higher education in his State set a glowing example for us all. Therefore, I ask that my U.S. Senate colleagues join me in honoring this exemplary citizen.

#### PORTRAIT UNVEILING OF JUDGE JOHN HEYBURN

Mr. McCONNELL. Mr. President, on October 3 of this year, I had the honor of speaking at the portrait unveiling of U.S. District Court Judge John G. Heyburn. I ask unanimous consent that my comments at that ceremony be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I first met John Heyburn in 1971. Somehow, we had both found ourselves here in Louisville working for a fledgling gubernatorial candidate named Tom Emberton. It was the first of many attempts by John to derail what was otherwise destined to be a dazzling legal and judicial career with a foray into politics. And I like to think the increasingly frequent television ads many of you have seen for a certain U.S. Senate race have finally confirmed him in the view that between the two of us, he chose the nobler path.

So you're very welcome for that, John. I assure you, it's been an expensive lesson in career advice.

Now, I don't remember a whole lot about that governor's race, but I do remember what I was thinking when John and I met—that we were cut from different cloth. He came from a very prominent family here in Louisville. His dad had run for Congress back when I was in college, which I remembered. He attended boarding school up in New England . . . he went to Harvard . . . he golfed. You get the drift . . .

So what happened next was unexpected, but in retrospect entirely predictable: I liked him. I liked him a lot. And the accuracy of that first impression has been validated again and again in the decades since.

John Heyburn is just impossible not to like.

That's the first thing to say about the man we've come here to honor. And I think it needs to be said, because it's certainly not the main reason so many of us made sure to be here today. But it's a big reason so many of us really wanted to be here, and why this is such a happy occasion. John doesn't just inspire confidence and respect. He doesn't just impress with his intellect and erudition. He makes you feel lucky to know him.

And I think I got a good sense for why that is on that first campaign for Tom Emberton. I mean, here was a brilliant young guy from a distinguished family, fresh out of Harvard, about a head taller than everybody else. The rest of us on the campaign were all basically operating without a license. And yet he just loved it. He brought the same enthusiasm to that race that he brings to everything else, the sense that whatever it is you're doing, he's interested. And as long as you put your whole self into it, it's worth it.

John's basic approach to life had already been set all those years ago, and I can't think of a better way to describe it than to borrow a phrase from Oliver Wendell Holmes, who once gave the following piece of advice to a group of Boston lawyers: "Whatsoever thy hand findeth to do, do it with thy might."

The language may be a little antiquated, but I think the sentiment captures John perfectly. Because whether it's running a marathon in college, keeping time at one of Will's swim meets, tracking Jack's free-throw percentages in high school, drafting a judicial decision, resolving a dispute among lawyers . . . or facing up to the physical adversities of recent years, John has done it "with all his might."

And that's the second thing to say about John Heyburn.

Now, for those of you who may be wondering, Tom Emberton ended up losing his race for governor. But as I indicated, one losing campaign wasn't quite enough to drive John out of politics. A few years later, he helped me win my own first political campaign, as County Judge Executive here in Jefferson County. And once elected, he gave me some very good counsel as a lawyer on my staff.

In repayment for his services I invited John to join my ticket for a run of his own . . . and then proceeded to run what was hands-down the worst campaign of my life. The defining artifact of the race was a billboard we put up along I-65. It was basically just three disembodied heads on a big neon board. I looked like Howdy Doody. John looked like Hitler. We took it down after a day and a half. And John's hopes for a career in politics were dashed once again . . .

It would take one more run for a political office to extinguish John's political ambitions, and to show him where his greatest talents lay. One of his recent judicial decisions led him to make an unexpected cameo in this year's Senate primary. But aside from that, he's been pretty quiet. For the past 22 years, John Heyburn has put all his might into this courtroom. And his impact has been enormous.

The truth is, John's such a friendly presence, it's easy to forget what a penetrating intellect he has or what an influential jurist he's been. But his skills and his focus as a judge are by now legendary.

As Chair of the Judicial Panel on Multi-District Litigation, he's interacted with some of the best lawyers in the country. It's one of the main reasons he enjoys the job. It's a welcome duty for him, yes, and a testament to his very laudable commitment to public service. But mostly, I think, it's just a great opportunity for John to put his mind to work and to engage other legal minds on a very high level.

In more than two decades as a judge for the Western District, John has also untangled countless legal knots and delivered far-reaching opinions on some mind-numbingly complex and important cases. And that's to say nothing of the countless settlement conferences, which require a subtle genius of their own.

Others can speak more intelligently about the ins and outs of specific cases and the day-to-day demands of a judge. John has clearly excelled at both. But I think one of the far less-appreciated contributions he's made in his many years here has been his strong, positive influence on the culture of the place.

So let me just say that as someone who's played an active role in nominations to the court over the years, it's very gratifying to hear about the deep camaraderie and mutual respect that the district court judges in the commonwealth, and particularly in this district, enjoy. And of their reputation for excellence.

I think there's no question that no one is more responsible for that than John. And I'm grateful.

One veteran of the Kentucky bar summed it up like this: "It is a privilege," he said, "to practice law in Kentucky federal courts. The judges are fair, they're even-handed. They follow the statutes . . . they follow precedent . . . but they're [also] independent and they're really fine human beings."

I've heard of young lawyers dreading their first day in court but leaving here encouraged and energized not just because they made it through, but because Judge Heyburn was so kind and generous to them.

Experienced court-watchers say he's tougher on the lawyers he knows than on the ones he doesn't. And as for John's clerks,

well, some speak of their time here as nothing short of a revelation. It's the dignified but humane way he conducts his chambers. It's the methodical way he decides a case. But it's also just the sheer joy he brings to his work on the bench, or to talking politics over a sandwich at the City Cafe, or even to teaching a high school civics class with his clerks.

I'm told that on some of these field trips, by the way, John actually has his clerks act out the characters in famous court cases. It's not exactly something law school prepares you for. But they seem to enjoy it. At least they pretend to.

The larger point is this: in a field that isn't exactly known for excitement, John has always found a way to make the law interesting. His enthusiasm is contagious. And that's been one of his great gifts to the profession, and to everyone whose lives intersect with the work of this court.

One of John's former clerks put it like this. He said that after law school he was totally burned out, and not really looking forward to the career ahead of him. Then he met Judge Heyburn.

"Judge Heyburn," he said, "he just made me fall in love with the law."

That's why John attracts some of the best and the brightest. It's why his clerks love him.

He brings the law to life. He looks beyond the facts at hand and forces his clerks to ask "Why." He takes an interest in their lives long after they leave here. And he also gives them something else. He gives them a model for how to do their jobs well without forgetting that their first and most important job is at home.

And that's the third thing I would like to say about John Heyburn. He's a scholar. He's a giant on the bench. He's a good friend to his friends. He's a lot of fun. But he is a husband and a father first.

Ask his clerks what they remember about his chambers and they're just as likely to remember all the photos of Martha and Will and Jack as the wood paneling. Ask Martha about their marriage and she'll tell you they have as much fun together today as they did the day they met. Ask the boys what they remember, and they'll tell you something about their dad that a lot of other kids wish they could.

They'll say: "My dad was never MIA."

Now, for the past year or so, young Jack has had the great misfortune of being one of the very first people that I see in the morning when I'm up in Washington. I'm sure he doesn't look forward to that. But to me it's a great comfort. Not just because I like him too, but because whenever I see Jack I see Martha and John.

It reminds me of home. It reminds me of good times past. And it makes me hopeful about the future. Because these are really good people. They're both impressive in their own right.

And they really care about others.

So I'm delighted to be here to honor the judge on this happy occasion.

John Heyburn finally found his calling. And to the surprise of absolutely no one, he has lived it out with all his might. He has earned the respect of his peers and the gratitude of many clerks. He is greatly admired. And as the impressive crowd that's gathered here attests, he is very deeply loved.

Congratulations, old friend.

#### NOMINATION OBJECTION

Mr. GRASSLEY. Mr. President, I intend to object to consideration of the nomination of Lourdes Castro Ramirez to be the Assistant Secretary of the

Department of Housing and Urban Development, HUD, for the Office of Public and Indian Housing.

Over the last 4 years, I have been raising concerns about serious problems at public housing authorities and HUD's failure to address them. The Office of Public and Indian Housing is responsible for overseeing the public housing authority program.

I recently learned that HUD is negotiating new, 10-year contracts with the 39 housing authorities participating in the Moving to Work, MTW, demonstration program. The Office of Public and Indian Housing is also responsible for administering this program but has failed to conduct proper oversight for years.

The current contracts don't expire until 2018 so there is no need to rush into signing new contracts. Instead, I recommend HUD takes serious steps to address the program deficiencies and determine if this demonstration should continue.

A group of housing advocacy organizations sent a letter to HUD on November 7, 2014, raising concerns about the lack of transparency in the MTW contract negotiations. I am requesting that a copy of this letter be included with my statement in the RECORD. These organizations represent the people directly impacted by HUD decisions. They are asking questions that would strengthen the program and protect funding from abuse. But HUD is blocking them from participating in the process. Only the MTW agencies are allowed to review the contracts and comment on the proposed changes.

According to HUD briefing materials, the MTW housing authorities operate about 14 percent of the Nation's housing stock and receive over \$3 billion in funding per year, equal to about 20 percent of total program funding. Yet HUD has failed to require any meaningful accountability or transparency.

This has led to financial abuses at the Chicago Housing Authority and other MTW housing authorities. On October 23, I sent a letter to HUD about the Chicago Housing Authority (CHA), a Moving to Work participant. CHA has diverted approximately \$432 million in Federal funding into a reserve fund instead of issuing over 13,500 vouchers to Chicago families who need affordable housing assistance.

For example, the Atlanta Housing Authority has at least 20 employees receiving annual compensation ranging between \$150,000 and \$300,000 per year. The executive director explained that these high salaries are necessary "to both 'attract and retain' competent staff."

The executive director of the Philadelphia Housing Authority also received a high salary over \$300,000 per year. He also threw lavish parties, provided patronage to friends and supporters, and secretly paid sexual harassment claims.

Instead of providing safe, affordable housing for those in need, housing authority officials are using Federal

funding to feather their own nests. HUD tells me these problems are anomalies, which lead me to believe the Department may be turning a blind eye to program failures no matter what the costs.

Both the HUD inspector general and the Government Accountability Office, or GAO, audited the MTW program. Both determined that little program oversight is actually being done. HUD has no procedures to verify agency self-reported performance data and HUD officials weren't even aware that they were required to perform annual risk assessments. HUD also has no program-wide performance indicators that would help determine if this program is a success or failure.

Worse yet, HUD never performed mandatory program evaluations to determine if the agencies complied with their MTW agreements or whether they should still be in the program. Department officials said they lack the funding to performing the evaluations. Under the current budget climate, additional funding may not be available anytime soon. In other words, HUD can't tell me if the Moving to Work program actually works or if it will work in the future.

GAO officials informed me that the agency may be close to closing three recommendations. For the other five recommendations, they are waiting for HUD to provide additional documentation about what steps are being taken or what is needed to close each of them. Instead of taking steps to improve program performance and provide more effective oversight, the Agency is, instead, rushing to extend contracts for an additional ten years.

I expect a lot more answers and accountability before there is a vote on Ms. Castro Ramirez's nomination. HUD must also refrain from adding new housing authorities to the MTW program until the agency provides GAO with the requested information and a definitive timeline for closing the outstanding recommendations.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 7, 2014.

Hon. JULIAN CASTRO,  
*Secretary, U.S. Department of Housing and Urban Development, Washington, DC.*

DEAR SECRETARY CASTRO: We represent housing advocates who work with clients and community members in the jurisdictions of public housing agencies (PHAs) that have Moving to Work (MTW) status. We look forward to working with you to further HUD's mission to create strong, sustainable, inclusive communities and quality affordable homes for all.

We are writing to ask HUD to take immediate action to create a more open, inclusive, and transparent process as HUD negotiates the terms for any potential extensions to Moving to Work Agreements past their current 2018 expiration. Consistent with the statutory language creating the MTW program, we specifically request that HUD consult with advocates during the contract negotiations. Indeed, Congress was clear that "in making assessments throughout the

demonstration, the Secretary shall consult with representatives of public housing agencies and residents." As a first step, we urge HUD to make the baseline language it is crafting for MTW extension contracts available for public comment and discussion, and solicit and consider input from resident and community advocates on the conditions for extensions and the terms of the extension agreements.

As you undoubtedly know, HUD's MTW demonstration is steeped in controversy. In addition to receiving criticism from advocacy agencies providing services to PHA residents in deregulated jurisdictions, HUD's own Office of the Inspector General and the U.S. Government Accountability Office have released studies critical of the MTW program's underlying structure and HUD's implementation and oversight of the program, including the GAO's 2012 Evaluation and the HUD IG's 2013 Study. These studies indicate that the Moving to Work program lacks performance standards and evaluation, and HUD has not provided critical oversight to agencies participating in the MTW program to evaluate agencies' compliance with statutory requirements or verify agencies' self-reported performance data.

Based on these pervasive critiques, we believe that any extension of the MTW demonstration must be done with thoughtfulness, diligence, and open discussion of the lessons learned from HUD's previous experiments in deregulation, which simply have not demonstrated any of the programmatic results this venture was designed to achieve.

The current MTW Agreements do not expire until 2018. We understand that HUD's stated goal for beginning MTW extension discussions in 2014 has been to develop better tools and standards to enable more effective regulation and oversight of MTW Agencies moving forward. We support any process that will ensure that new language in MTW contracts will provide clear metrics for performance, clear processes for evaluation, and clear protocols for HUD to monitor and enforce Agencies' compliance with statutory requirements and standards, even amidst the flexibility the MTW program intentionally allows.

We strongly support some goals HUD has put forward for the extensions, including establishing requirements that agencies use the bulk of their voucher funds for vouchers, higher baselines to determine if agencies are assisting "substantially the same" number of families, and more rigorous evaluation of policies that pose risks to participants. Effective requirements in these areas would have major benefits for low-income families. Without more information on the details, however, it is impossible for us to assess whether the changes HUD plans will bring about meaningful improvements.

As advocacy organizations who work with tenants who are the "end-users" of HUD's programs in regions de-regulated under the MTW program, we believe we have experiences and observations that can help contribute to HUD's success in amending the program.

We have documented concerns with the current MTW Agreements that are not adequately addressed by the limited information HUD has released about the planned extensions. These concerns include but are not limited to:

How new MTW Agreements will prevent de-regulated PHAs from diverting significant resources out of their housing programs into unrestricted cash reserves or towards other questionable uses such as excessive executive compensation. These actions clearly contradict MTW's statutory goal to, "reduce cost and achieve greater cost effectiveness." The agreements should, for example, include

clear limits on reserve levels and specific sanctions for agencies that exceed those limits.

How HUD will evaluate the real effects of proposed or existing major policy changes allowed under MTW, such as time limits, work requirements, and major rent changes, to assess whether these changes are achieving the program's statutory goals of helping families achieve economic self-sufficiency and increasing housing choice, or instead just creating a revolving door of homelessness and hardship. HUD has indicated that it will require more rigorous evaluation of some new policies, but it should also seek to evaluate policies already in place and should make clear that it will prohibit agencies from adopting risky measures like time limits and work requirements unless funding for a rigorous evaluation is available.

How HUD will define, monitor, and enforce, the new standard of 90% voucher utilization, both before and after new MTW agreements go into effect. This standard will be far more effective if HUD uses the voucher funding formula to enforce it, and if it prohibits agencies from counting funds spent for purposes other than rental assistance toward voucher utilization.

How HUD will define and enforce the requirement to assist substantially the same number of families. HUD has indicated that it will adjust the baseline number of families agencies must assist upward, but unless HUD also defines "assisted families" to include only families receiving substantial rental assistance this requirement will have little meaning.

How HUD will ensure appropriate hardship exemptions are in place.

How HUD will ensure MTWA jurisdictions increase housing choices and mobility to opportunity communities among program participants.

Thank you for considering this request.

Through a collaborative, thoughtful, transparent and inclusive approach, we are confident that we can work with HUD and participating public housing agencies to create targeted revisions to the MTW program which clarify performance metrics, and create clear processes for evaluation and oversight. Our goal is to create a structure that provides both flexibility and discipline—A well-considered framework for any continuation of the program will better ensure we realize the original goals of the MTW program, which were to expand housing choice, increase cost effectiveness, and help families achieve self-sufficiency.

Congratulations on your confirmation as HUD Secretary.

Sincerely,

Asian Americans Advancing Justice—Asian Law Center, San Francisco Bay Area, California, Christina Dang and Thomas Lee, Staff Attorneys; Atlanta Legal Aid Society, Inc., Atlanta, Georgia, Margaret L. Kinneer; Cabrini Green Legal Aid Clinic, Chicago, IL, Jill Roberts and Ryann Moran, Staff Attorneys; Center for Tax and Budget Accountability, Ralph Martire, Executive Director; Chicago Housing Initiative, Chicago, IL, Leah Levinger, Executive Director; Community Alliance of Tenants, State of Oregon, Steve Weiss, Board President; Community Legal Services, Philadelphia, Pennsylvania, Rasheedah Phillips, Housing Law Division.

Delaware Housing Coalition, State of Delaware, Trish Kelleher, Director of Housing; Housing Action Illinois, State of Illinois, Bob Palmer, Policy Director; Jane Addams Senior Caucus, Chicago, IL, Lori Clark, Executive Director; Law Foundation of Silicon Valley,

San Jose, California, Nadia Aziz, Senior Attorney; Legal Aid Society of San Mateo County, San Mateo County, California, Shirley E. Gibson, Directing Attorney; Legal Assistance Foundation, Chicago, IL, Lawrence Wood, Housing Practice Group Director; Logan Square Neighborhood Association, Chicago, IL, John McDermott, Housing & Land Use Director.

Lugenia Burns Hope Center, Chicago, IL, Rod Wilson, Executive Director; Massachusetts Alliance of HUD Tenants, State of Massachusetts, Michael Kane, Executive Director; Metropolitan Housing Coalition, Louisville, Kentucky, Cathy Hinko, Executive Director; Metropolitan Tenants Organization, Chicago, IL, John Bartlett, Executive Director. Mid-Minnesota Legal Aid, Minneapolis, MN, Dorinda L. Wider; National Alliance of HUD Tenants, National, Charlotte Delgado, Board President.

National Housing Law Project, National, Deborah Thrope, Staff Attorney; North Carolina Justice Center, State of North Carolina, Bill Rowe, General Counsel and Director of Advocacy; Northwestern University School of Law, Chicago, IL, John S. Elson, Professor of Law; Organizing Neighborhoods for Equality, Chicago, IL, Jennifer Ritter, Executive Director; People for Community Recovery, Chicago, IL, Cheryl Johnson, Executive Director; Sargent Shriver National Center on Poverty Law, Chicago, IL, Kate Walz, Director of Housing Justice; Tenants Union of Washington State, State of Washington, Jonathan Grant, Executive Director.

#### CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT

Ms. MIKULSKI. Mr. President, this week, the Senate will once again consider S. 1086 as amended by the House, the Child Care and Development Block Grant Act of 2014. This is bipartisan legislation that I introduced along with Senators BURR, HARKIN, and ALEXANDER.

A version of this bill was passed by the Senate earlier this year by an overwhelming bipartisan vote of 96-2. An amended version passed the House on September 15th, by unanimous consent. I stand here today, on the side of families and children across the nation, encouraging the Senate to once again pass this child care bill and send it to the President's desk to become law.

Before I was the Senator for Maryland, I was a social worker for Baltimore families and worked with children and the elderly. At the dawn of the civil rights movement, I went from being a social worker to a social activist in elected office. Today, I'm a social worker in Congress, working to build opportunities for families throughout America. I stand here today, proud that with this bill, we can make a difference for parents and children across America. Every family deserves child care that is affordable, accessible, and exceptional.

Child care is one of the most important decisions a parent will make when raising their child. But we live in the

age of scrimp and save. Times are tough and budgets are tight. Every day, parents across America struggle to put food on the table, pay their bills, and provide care for their kids. Maybe you are a single parent, working double shifts, wondering if your child is safe and sound, or maybe you are a student, working to get your degree for a better job and a brighter future. But instead of studying statistics, you are calculating the cash you need to pay your babysitter. Those worries weigh heavily on the shoulders of parents everywhere. Our bill helps lift that burden by giving families and children the child care they need to succeed.

That is why I am so proud to move this bill forward. This bill is the product of brilliant bipartisan effort between Senators BURR, HARKIN, ALEXANDER, and myself. We also worked on a bicameral basis with Representatives KLINE and MILLER from the House Education and the Workforce Committee.

This bill reforms and refreshes important child care legislation, so moms and dads earning lower incomes can afford child care for their kids while they go to work or school. Child care is something all families worry about, regardless of income or zip code. People want care that is reliable and undeniable, safe, affordable, and accessible. This bill helps ensure that all children get the care they need and deserve so they and their families can have a better, brighter future.

In 1990, the CCDBG program was first signed into law by President George H.W. Bush to assist working families with the cost of providing child care. It has not been reauthorized since 1996. Through the CCDBG program, the Federal government provides states and Indian tribes and territories with funding. That funding is used to help lower-income families afford child care while parents work, train for work, or attend school. Families are given vouchers based on their income level to help cover costs of care. These vouchers can be used by parents for the provider of their choice: care in the home, at a relative's home, or in a child care center. Every month, CCDBG serves more than 1.5 million children in the United States, including 19,000 children in Maryland.

Why is this program so important? Because child care is expensive. It is the highest household expense faced by dual income households and averages \$14,872 per year for two children. In Maryland, families spend, on average, 20% of their family income on child care. This is about \$14,000 per year or \$249 per week. Keep in mind that the Department of Health and Human Services recommends that families not spend more than 10% of their income on child care. Child care isn't a luxury, it is a necessity. It shouldn't reach beyond the bounds of the family budget, especially in these tough economic times.

CCDBG has not been reauthorized since 1996. At the time, the program

was envisioned solely as workforce aid—something to help moms and dads get back to work. This was and remains an important goal, but we have learned a lot since 1996. What we know today, but didn't know 18 years ago, is that the most rapid period of development for the brain happens in the first five years of life. That is why it is so imperative that we ensure our young children are in high-quality child care programs that give kids building blocks for a lifetime of success. It is not enough to ensure that kids have someplace to go. We must ensure that they go someplace safe that nurtures their development, challenges their mind, and prepares them for school. The current program is outdated. It does not go far enough in promoting and supporting high-quality child care, safeguarding health and safety of children, ensuring children have continuity of care, and focusing on infant and toddler care.

Senators BURR, HARKIN, ALEXANDER, and I got together more than two years ago. We held three bipartisan Subcommittee on Children and Families hearings, got input from more than fifty stakeholder organizations, worked with every member of the Health, Education, Labor, and Pensions Committee to put together a comprehensive reauthorization bill. It does not solve every program for every family, but it does a lot of good for families relying on CCDBG.

First, the reauthorization requires states to prioritize quality. States will be required to eventually set aside at least 9% of funding for quality initiatives, 5% more than current law. States will choose what is best for them, whether it is training of the workforce, supporting early learning guidelines, expanding quality rating systems, or improving quality and quantity of child care programs and services for infants and toddlers.

Second, it requires that providers meet health requirements so parents know that the individuals taking care of their children are capable and competent when it comes to handling first aid and CPR, child abuse, sudden infant death syndrome, or shaken baby syndrome. Third, it requires mandatory background checks. And lastly, this reauthorization gives families using the CCDBG program more stability by ensuring that their kids get care for at least one year, even if a parent sees a change in their pay check.

We know that increasing funding for this program is important. More kids and families are in need of access. That is why as Chairwoman of the Senate Appropriations Committee, I am pushing for \$2.46 billion for child care in the FY15 Labor, Health and Human Services, Education, and Related Agencies appropriations bill. This is an increase of \$100 million over FY14. This funding would ensure that countless additional children have access to this vital program, bringing more families of very modest means peace of mind when it comes to child care.

I am fighting hard for this increase, because I know quality child care is worth every penny. I could not have done it without Senator HARKIN as the Labor-HHS Chairman. And rest assured, we will keep fighting for this child care program. So you see, we put money in a program through appropriations channels and now we are improving the program through authorizing channels.

I would like to thank my partner in crime, Senator RICHARD BURR, who was Ranking Member of Children and Families when I was Chair of that Subcommittee. Senator BURR's unwavering commitment to reauthorizing this program and ensuring safety of children is unrivaled, unparalleled, and unmatched. It has been a pleasure working with Senator BURR and his staff, Chris Toppings. They deserve a lot of credit for getting us here today.

I would also like to extend a sincere thanks to Chairman HARKIN and Ranking Member ALEXANDER, as well as former Ranking Member ENZI, and all of their staffs. Senators HARKIN, ALEXANDER, and ENZI have been involved in drafting the bill from the outset. They have worked to make sure that the bill remained a priority for the HELP Committee. The expertise of their staffs has been invaluable throughout this process. I want to thank Senator HARKIN's staff, Mario Cardona and Mildred Otero, and Senator ALEXANDER's staff, Peter Oppenheim and Patrick Murray. I would also like to thank our House colleagues, Representatives KLINE and MILLER, for making this bill a priority and for getting it done.

Every working parent with children, no matter their income level, worries about child care. What's affordable? What's accessible? Will my child be safe? Where can I get the best care for my kid? The CCDBG program has given many families over many years peace of mind, but we can and should be doing more to improve child care for children, parents, and providers alike. It is long past time to revitalize, refresh, and reform this vitally important program. It is my hope that we can move swiftly to pass this bill and send it to the President's desk. It has been 18 years in the making. Let's not wait any longer.

#### 25TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

Ms. MIKULSKI. Mr. President, November 9, 1989, was the day the Berlin Wall came down, a day we can all be proud. It is a day that reminds us of the power of democratic values and ideals.

I am filled with happiness as I remember that wonderful day 25 years ago. I am a proud American, there is no other country blessed with such opportunity, but the roots of my heritage lie in Poland. I grew up in a home that kept the heritage of the old country alive. As a child of World War II, Europe has always been fundamental to my life.

Together with my family I watched Poland fall, along with Hungary and the Czech Republic and others, behind the Iron Curtain. I remember when Poland was sold out at Yalta and Potsdam because of an ill-conceived agreement. These countries became captive nations.

We watched as a wall was built in Berlin. Those in East Berlin found themselves behind not only the Iron Curtain but the Berlin Wall as well, cut off from family, friends, and their livelihoods.

I am proud that Americans stood up at this moment—the famous Berlin Airlift provided those in West Berlin during the Berlin Blockade. The United States, with our allies, delivered basic necessities, food, and fuel. We all stood with President Kennedy as he declared “Ich bin ein Berliner.” American leadership was instrumental in making small cracks in the wall. As Madeline Albright, whose heritage is also rooted in Eastern Europe like my own, has said of the United States, “We are the indispensable nation. We stand tall. We see further into the future.”

The wall began to crumble when an obscure Polish electrician named Lech Walesa jumped over a wall in a shipyard in Gdansk. It began with the Solidarity movement. From this, a people's revolution was sparked in Central Europe.

And thanks to the nonviolent protestors, the dissidents, such as Vaclav Havel of Czechoslovakia, and the political leadership from President Reagan and Maggie Thatcher and members of Congress the Wall came down.

I stand here to commemorate the fall of the Berlin Wall, bringing down the Iron Curtain. Twenty five years ago, as a citizen of a strong democratic United States of America, I joined President Reagan when he said, “Mr. Gorbachev, tear down this wall.” I take this opportunity to stand together with my countrymen and celebrate our democratic values, our respect for human rights, and our freedom. The United States is a great nation, and through our action, commitment, and resolve, we will continue to bring down walls of oppression.

This is a great occasion for all of us and for the world and deserves our remembrance.

#### HONORING OUR ARMED FORCES

CORPORAL THOMAS A. BLAIR

Mr. INHOFE. Mr. President, it is my honor to pay tribute to the life and sacrifice of Marine Cpl Thomas A. Blair of Wagoner, OK who lost his life on March 24, 2003, from injuries sustained during a lengthy battle with insurgents while serving his Nation in Nasiriyah, Iraq.

The son of Alfred Jr. and Nancy Hinton Blair, Tommy was born July 7, 1978, in Wagoner, OK. After graduating from Broken Arrow High School, he entered the Marine Corps in 1997 and was assigned to the 2nd Low Altitude Air

Defense Battalion, Marine Air Control Group-28, 2nd Marine Aircraft Wing, Cherry Point, NC.

Tommy was posthumously awarded the Navy-Marine Corps Commendation Medal for helping pull nine wounded marines into an armored vehicle before it was hit by at least four enemy rocket-propelled grenades and then a missile fired from an American attack plane. He was among 18 marines killed that day in fighting around Nasiriyah.

Tommy was laid to rest in Ozark Memorial Park Cemetery in Joplin, MO, and is survived by his father Alfred Jr., mother Nancy, and brother Alfred III.

“He was a young man that would give the shirt off his back if someone needed it,” recalled his older brother, Marine SSG Alfred Blair, III. “He lived life to the fullest and enjoyed every minute of every day. In his first letter home to our mom, he said he was doing what he had been trained to do and was proud to be doing it for his country.”

Today we remember Marine CPL Thomas A. Blair, the first known native Oklahoman to lose his life in Operation Iraqi Freedom. He was a young man who loved his family and country and gave his life as a sacrifice for freedom.

CAPTAIN JOHN J. BORIA

Mr. President, I also pay tribute to the life and sacrifice of Air Force Capt. John J. Boria of Broken Arrow, OK, who died on September 6, 2004, after injuries sustained in a all-terrain vehicle accident while serving his nation in Doha, Qatar.

Javy, as he was known by his family and friends was born on August 12, 1975. After graduating from Union High School in Tulsa, OK, in 1993, I nominated this bright young man to attend the U.S. Air Force Academy. He spent a year at the Academy's Prep School before entering the U.S. Air Force Academy, where he graduated in 1998. Upon completing flight training, he was assigned as an instructor and KC-135 pilot at the 911th Refueling Squadron at Grand Forks Air Force Base, ND, and was deployed to Qatar to work in the Combined Air Operations Center in June 2004.

Funeral services were held on September 14, 2004, at Broken Arrow Assembly of God Church, with internment at the U.S. Air Force Academy Cemetery in Colorado Springs, CO. Javy is survived by his parents John and Wanda and brother Joe.

His favorite Bible verse in John 15 states, depending on the translation, that “no greater love has a man than he lay down his life for his friends,” his mother said. When discussing becoming an organ donor with his mother during his junior year at the Academy, Javy said, “I want to be a donor too. If I die and part of me could be used, it could give somebody else a chance to live the life that I won't have.”

Today we remember Air Force Capt. John J. Boria, a young man who loved his family and country and gave his life as a sacrifice for freedom.



CHIEF WARRANT OFFICER TRAVIS W. GROGAN

Mr. President, I now pay tribute to the life and sacrifice of Army CWO Travis W. Grogan, who died on November 27, 2004, after the aircraft he was a passenger in crashed in Bamian, Afghanistan.

Born an only child on January 12, 1973, Travis grew up just outside Oklahoma City, OK, and graduated from Moore High School. Descending from a long line of servicemen, with relatives who served in Korea, World War I, and the Civil War, he initially enlisted in the Navy, where he served for 9 years as a search-and-rescue swimmer. Later, he became interested in flying and transferred to the Army to become a helicopter pilot with the 3rd Squadron, 4th Cavalry Regiment, 25th Infantry Division, Light, Schofield Barracks, HI. He had been in Afghanistan since April 2004.

"He died for our freedoms here in America," Barbara Grogan said of her only son. "This was important to him, and it should be important to everyone in America. Our freedoms are worth fighting for."

Travis is survived by his wife Tracy; daughter Ashley; son Austin; parents, Barbara and Lewis; and grandmother, Wilma North.

Funeral services were held on December 9, 2004, at the First Baptist Church in Moore, OK, with burial conducted at Ft Sill National Cemetery in Elgin, OK.

"He knew why he was in Afghanistan. He was very proud of being able to serve his country," said his grandmother. "If they had found him wounded, he would have said, Doctor me up; I'm going back'."

Today we remember Army CWO Travis W. Grogan, a young man who loved his family and country and gave his life as a sacrifice for freedom.

SPECIALIST JARED D. HARTLEY

Mr. President, it is my honor also to pay tribute to the life and sacrifice of Army SPC Jared D. Hartley, of Newkirk, OK, who died on July 15, 2005, of injuries sustained after an improvised explosive device detonated near his vehicle in Taji, Iraq.

Jared was born January 2, 1983, and enlisted in June 2002. After basic training he was assigned to 125th Forward Support Battalion, 3rd Brigade, 1st Armored Division, based at Fort Riley, KS.

Jared was a 2002 graduate of Newkirk High School, where he played football and basketball. He joined the Army shortly after graduating high school and deployed for a 13-month tour in Iraq. "When he came back, he was going to get out of the military, but they told him they needed him," his brother Alex Hartley said. "He said, 'No problem, I'll stay in as long as you need me'." He returned for his second tour in March.

Alex said his brother was committed to the military's mission in Iraq and pleased with the positive response he received from the Iraqi people. "He

said people he talked to were glad they were there. Protecting our country and helping people—he felt good about his mission."

Jared was buried at Newkirk Cemetery and is survived by his parents, Doug and Kathie, and his brother Alex.

Today we remember Army SPC Jared D. Hartley, a young man who loved his family and country and gave his life as a sacrifice for freedom.

LIEUTENANT COLONEL DANIEL E. HOLLAND

Mr. President, I wish to remember the life and sacrifice of Army LTC Daniel E. Holland, of San Antonio, TX, who died on May 8, 2006, of injuries sustained when his vehicle encountered an improvised explosive device while he served his Nation in Baghdad, Iraq. Daniel was a veterinarian assigned to South Plains District Veterinary Command at Ft Hood, TX, attached to the 352nd Civil Affairs Command at Fort Bragg, NC.

Daniel was born in Munich, Germany, on April 5, 1963, the youngest of 10 children. His father retired from military service in Marlow, OK, where Daniel graduated from high school in 1981. Selected to give the commencement address at his high school graduation, he went on to attend Oklahoma State University on an ROTC scholarship, transferring after 3 years into OSU's College of Veterinary Medicine. His dreams were realized when he was commissioned as an officer in the U.S. Army in 1984. He and Sheryl Patton were married in August 1985 in Stillwater, OK.

Burial services with full military honors were held at Fort Sam Houston National Cemetery on May 31, 2006.

Daniel is survived by his wife Sheryl; son Garrett; daughter Rachel; parents, Col (Ret.) and Mrs. Herbert S. Holland, Jr.; parents-in-law, Bancker and Lana Cade; brothers and sisters (and their spouses), Col (Ret.) Robert F. Holland (Carol), Mark M. Holland (Josie), Patricia Nixon (Thomas), David W. Holland (MaryAnn), Mary K. Ralya (Steven), Maj (Ret.) John R. Holland (Rita), Claire Nieswiadomy (Michael), Catherine Ochoa (Joseph), and Elizabeth Blute (Peter); sister-in-law, Kellie Robinson; and many beloved nieces and nephews.

Today we remember Army LTC Daniel E. Holland, a man who loved his family and country and gave his life as a sacrifice for freedom.

PRIVATE FIRST CLASS DANIEL R. PARKER

Mr. President, it is my honor also to pay tribute to the life and sacrifice of Army PFC Daniel R. Parker, who died on August 12, 2003 from injuries sustained when he was thrown from his vehicle after the driver swerved to avoid an oncoming vehicle while serving his Nation in Mosul, Iraq.

Dan was born August 17, 1984, in Oklahoma City and later moved to Lake Elsinore, CA. An active member of ROTC in high school in Lake Elsinore, CA, he followed in the footsteps of his father and grandfather, enlisting in the Army at the age of 17,

just 2 weeks after graduating from Lake Elsinore High School. His first assignment after completing training at Ft Sill, OK was B Battery, 2nd Battalion, 44th Air Defense Artillery Regiment, 101st Airborne Division, Air Assault, Fort Campbell, KY.

Deploying for the first time in March 2003, Dan was part of the team sent to the villa where two sons of Saddam Hussein were hiding on July 23, 2003. After the gunfight that killed Odai and Qusai Hussein, Dan's photo was taken by media and he was on the cover of the Los Angeles Times standing in front of the building, holding his gun.

Dan was laid to rest in Riverside National Cemetery in Riverside, CA, and is survived by his parents, Billy and Sherri Parker; three brothers, Dustin, Dalton, and Dallas; and a sister, Danielle.

Just before Dan deployed, his father drove to Nashville, TN, to spend time with him. "We drove around Nashville, went out to Opryland, drove down Music Row. I told him no one has a guarantee on the number of years you got. We don't know what the number is, but the important thing is every day you do what you're supposed to do," said his father.

"Not one time, ever, did I think that he wasn't going to walk through that door back home, but that's OK. I'm not disappointed in the 20 or 30 or 40 or 50 years that he didn't have. I'm excited about the 18 he did have. He was able to touch so many people's lives," Billy Parker said.

Today we remember Army PFC Daniel R. Parker, a young man who loved his family and country and gave his life as a sacrifice for freedom.

PRIVATE FIRST CLASS JOSHUA F. POWERS

Mr. President, I wish to remember the life and sacrifice of Army PFC Joshua F. Powers, of Skiatook, OK who died on February 24, 2006, of noncombat related injuries while serving his nation in Baghdad, Iraq.

As the youngest of three boys, Joshua was born February 11, 1985 and enlisted in July 2005. After basic training he was assigned to 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division, Fort Campbell, KY. He had been in Iraq for just over two weeks.

Josh was buried at Osage Garden Cemetery, Skiatook, OK where Army personnel honored him with a 21-gun salute and played "Taps". He is survived by his mother Patricia; father Ernest; and brothers Michael and Jonathan.

At the funeral service, an elder at Sperry's Remnant Church of Jesus Christ of Latter-day Saints, C.H. Whiteman, said Joshua was doing what he thought was right. "If it weren't for young men like him, we couldn't enjoy the kind of life we have in America," he said.

Today we remember Army PFC Joshua F. Powers, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

SPECIALIST BRYAN L. QUINTON

Mr. President, I also wish to remember the life and sacrifice of Army SPC Bryan L. Quinton, of Sand Springs, OK, who died on May 4, 2006, of injuries sustained when a rocket propelled grenade struck near his vehicle while he served his nation in Baghdad, Iraq.

Born June 29, 1981 to Timothy and Kristi Quinton in Tulsa, OK, Bryan enlisted in the United States Army on January 15, 2004 and completed basic training and advanced individual training at Fort Leonard Wood, MO. He served in Alpha Company, 2nd Engineer Battalion, 2nd Infantry Division, Camp Giant, Korea before being reassigned to Bravo Company, 5th Engineer Battalion, Ft Leonard Wood, MO.

On the day he died, Bryan, like he had done so many times before, insisted on being in the "point"—the lead vehicle in a 12-vehicle convoy checking for bombs. "Let me make it safe for everyone else," he was quoted as saying. No one would travel those highways until he and his comrades gave the "all-clear signal," said BG Todd Semonite, commander of the engineer school at Fort Leonard Wood, MO. Everyone looked to him for their own personal safety.

Funeral services were held on May 17, 2006 at First United Methodist Church in Sapulpa, OK. The road leading into the Green Hill Memorial Gardens Cemetery was bordered on both sides by scores of American flags, snapping in the breeze. Nearly 100 motorcyclists, many of them veterans from previous wars, stood at attention along the flag-lined road as the funeral procession glided past them. As eight Army pallbearers pulled the silver-colored casket from the hearse, a bagpiper in the distance softly played "Amazing Grace." His wife Cyndi was given the folded flag that draped the coffin as her husband was honored by a 21-gun salute and the playing of taps.

Bryan is survived by his wife Cyndi; daughter Pyper; son Connor; parents Tim and Kristy Quinton; brother Garth; brother Brent and his wife Alison; nephew Clay Quinton; grandmother Barbara Weaver; and grandfather Grady Quinton.

"My heart died when my husband did, but I know he would want us to think about all the crazy stunts he pulled and all the laughter," Cyndi said. "God, you are very lucky to have him! Heaven, just get ready to laugh!"

Today we remember Army SPC Bryan L. Quinton, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

SPECIALIST STEPHEN M. SCOTT

Mr. President, it is my honor to pay tribute to the life and sacrifice of Army SPC Stephen M. Scott of Lawton, OK, who died on August 23, 2003 from non-combat injuries sustained while serving his nation near Fallujah, Iraq.

Born in San Antonio, Stephen moved several times before settling in Lawton, OK. He met his wife Marie in

a psychology class before graduating from Eisenhower High School in Lawton and the couple married on July 4, 2002.

Stephen joined the Oklahoma National Guard in 2001 and he and Marie chose to go on active duty a year later. Stephen was a cook assigned to 2nd Squadron, 3rd Armored Cavalry Regiment and Marie worked community relations for the 14th Public Affairs Detachment in Fort Carson, CO. He deployed to Iraq in June 2002. While she was aware of the risk involved in her husband's deployment, Marie never thought her office would be handling a news release announcing his death.

"Especially not Stephen," she said. "He was amazing. I'm so sad, but sometimes I can't help but smile. He was so goofy he would make you laugh. He was very spiritual. He was very strong. We had a lot of plans."

Today we remember Army SPC Stephen M. Scott, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

SERGEANT DANTON K. SEITSINGER

Mr. President, it is my honor also to pay tribute to the life and sacrifice of Army SGT Danton K. Seitsinger of Oklahoma City, OK, who died on January 29, 2004 when a weapons cache detonated west of Ghanzi, Afghanistan.

Kyle was born on October 4, 1974 and graduated from Wentworth Military Academy in Lexington, MO, in May 1993. He enlisted in the U.S. Marine Corps on December 7, 1993 and spent his 6 years guarding U.S. embassies in Brasilia, Moscow and the consulate in Rio de Janeiro. After separating from the Marine Corps in 2000, he attended Oklahoma Christian University and enlisted with the 486th Civil Affairs Battalion, Army Reserve, Broken Arrow, OK.

While at Oklahoma Christian University, Kyle worked for the student newspaper, serving as an editor for 2 years. In 2002, he was selected as one of 16 student journalists to participate in the Summer Institute in Journalism sponsored by the Coalition of Christian Colleges and Universities. His assignments included interviews with the Colombian president as well as U.S. Representatives Ernest Istook and J.C. Watts. In 2003, Kyle spent 6 months in Costa Rica in a program designed to immerse the learner in the Spanish language. While serving in Brasilia, he "adopted" two young poor girls and urged his family to send them gifts. He wasted no time, rising early to explore the many cities he visited. It is as though he knew he needed a faster pace to complete his life.

Just 12 months short of his graduation with a dual major in journalism and Spanish, Kyle was called to active duty in November 2003 and deployed to Afghanistan.

Kyle is survived by his father Dan; mother Jo; and two sisters, Karla Seitsinger and Penny Owen Cockerell. He is buried in Headrick Cemetery in Headrick, OK.

Today we remember Army SGT Danton K. Seitsinger, a young man who

loved his family and country, and gave his life as a sacrifice for freedom.

STAFF SERGEANT STEVEN W. WHITE

Mr. President, I wish to remember the life and sacrifice of Army SSG Steven W. White of Lawton, OK who died on August 13, 2003 from injuries sustained when his M113 armored personnel carrier hit an anti-tank mine while he served his nation in Tikrit, Iraq.

Steven was born November 6, 1973 and graduated from Fruitvale High School in Fruitvale, TX. A 9 year Army veteran, he re-enlisted in February 2003 for 6 more years and had been in Iraq for about 4 months. He was a truck mechanic assigned to Headquarters and Headquarters Battery, 4th Battalion, 42nd Field Artillery Regiment, based at Fort Hood, TX.

Steven was laid to rest in Haven of Memories Cemetery in Canton, TX. He is survived by his wife Laniece and four children ranging in age from 12 years to 16 months.

"He would always want to come home and visit with classmates and see his family," said his wife. "He was a simple man. It didn't take much to please him."

Today we remember Army SSG Steven W. White, a young man who loved his family and country, and gave his life as a sacrifice for freedom.

LANCE CORPORAL HATAK KEYU YEARBY

Mr. President, I also remember the life and sacrifice of Marine Corps LCPL Hatak Keyu Yearby, of Overbrook, OK who died on May 14, 2006, of injuries sustained from an improvised explosive device while serving his nation in Al Anbar province of Iraq. Hatak was assigned to 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, Marine Corps Base Kaneohe Bay, HI.

Hatak was born on March 11, 1985 in Overbrook, OK and graduated from Marietta High School in 2003 where he was remembered as a quiet, well-mannered young man who was a good student and person. A proud native American, he grew up attending powwows, where he performed and competed as a traditional Choctaw dancer. Good at his craft, he earned second place at the Trail of Tears Powwow in September 2003 and second-place at the Citizen Potawatomi Nation Intertribal Powwow in October 2004. Wearing two long braids much of his life, he woke one morning and told his mother he had to cut his hair because of a dream. He then joined the Marines in May 2005, married Lindsey Michelle in February 2006 and went to Iraq the following month.

About 1,000 people attended a funeral service meant to celebrate the life of the 21-year-old newlywed. Burial services were conducted at the Yearby Family Cemetery in Overbrook, OK.

Hatak is survived by his wife Lindsey; his parents, Justin and Mary Yearby; and two sisters, Shema Yearby and Samarra Bell.

Today we remember Marine Corps LCPL Hatak Keyu Yearby, a young

man who loved his family and country, and gave his life as a sacrifice for freedom.

### USS "PONCHATOULA"

Mr. TOOMEY. Mr. President, today I wish to honor a naval vessel and crew that served with distinction during an important chapter of U.S. military history.

The Navy's modernization program of the 1950s included construction of a new class of fleet tankers that combined speed and an enlarged capacity to deliver fuel to the fleet. One of the vessels ordered in this modernization effort was named the USS *Ponchatoula*, AO-148. The vessel was laid down in Camden, NJ on March 1, 1954. The new fleet tanker displaced 38,000 tons when fully loaded greatly exceeding the capacity of tankers used during World War II. The ship had a complement of 324 officers and men. Although the USS *Ponchatoula* was a support vessel rather than a combat warship, she was armed with two 5-inch guns and twelve 3-inch antiaircraft guns.

The launching of the USS *Ponchatoula* into the waters of the Delaware River took place on July 9, 1954, at Camden, and she subsequently sailed across the river to Philadelphia, where the vessel was commissioned on January 12, 1956.

Assigned to the Pacific Fleet, USS *Ponchatoula* made the long voyage to the west coast. Following her arrival at Long Beach, CA, on March 10, 1956, the oiler conducted her shakedown cruise off the California coast.

In the fall of 1956, USS *Ponchatoula* was ordered to the western Pacific, her home waters for most of her active career. While en-route to Sasebo, Japan, to join Seventh Fleet as a unit of Service Squadron Three, she assisted a disabled Panamanian merchant ship that had been battered by two typhoons.

USS *Ponchatoula* accompanied the Seventh Fleet in early 1958 as the Navy sailed into harm's way in the Formosa Strait off the coast of the People's Republic of China, PRC. PRC forces were threatening to occupy several small islands off the coast of China, notably Quemoy and Matsu. President Eisenhower ordered the Navy to the area to symbolize American determination and support Taiwanese forces holding those small islands. President Eisenhower's tough stand and the presence of the Seventh Fleet off shore forced the PRC to back down.

In late April and early May of 1962, USS *Ponchatoula* replenished ships in the task force that participated in the atmospheric nuclear test Operation Dominic near Christmas Island.

In September 1962, the oiler sailed to Midway Island to supply ships involved in the recovery of CDR Wally Schirra's Project Mercury Space Capsule *Sigma 8* and in May 1963 supported the recovery of the then-Major Gordon Cooper's Mercury Space Capsule *Faith 7*. USS *Ponchatoula* also supported recovery

operations for *Gemini 4*, 6, and 7 in 1965 and *Apollo 7* in 1968.

When hostilities began to escalate in Vietnam during the summer and fall of 1964, USS *Ponchatoula* was deployed to the South China Sea to support fleet operations off the coast of Vietnam. She refueled numerous warships in those waters during the 1964 and 1965 bombing campaign against targets in North Vietnam.

In the summer of 1969 and into 1970 the USS *Ponchatoula* returned to Pearl Harbor and served the fleet in Hawaiian waters.

During the 1970s USS *Ponchatoula*'s area of operations expanded into the Indian Ocean and Persian Gulf, reflecting growing U.S. Navy activity in that part of the globe. In September 1980 the ship was transferred to the Military Sealift Command, becoming USNS *Ponchatoula*, T-AO-148 and beginning operation with a mainly civilian crew. Based at Subic Bay for most of the next decade, she continued her underway replenishment work, helping maintain the Navy's mobility and striking power in an often troubled region. USNS *Ponchatoula* was inactivated in February 1992 and laid up at Suisun Bay, CA. Though stricken from the Naval Vessel Register at the end of August 1992, she remained in Navy custody until transferred to the Maritime Administration for disposal in May 1999.

During the 43 years between her commissioning in 1956 and her transfer to the reserve fleet in 1999, the USS *Ponchatoula* rendered meritorious service to her country, helping to stop aggression in the Taiwan Strait, assisting the space program and supporting U.S. forces in Vietnam. She and the thousands of Navy sailors who served aboard her over the decades deserve the accolades of a grateful nation.

### ADDITIONAL STATEMENTS

#### PIERMONT, NEW HAMPSHIRE

• Ms. AYOTTE. Mr. President, I wish to honor the town of Piermont, NH, which is celebrating the 250th anniversary of its founding this year. I am delighted to recognize this very special milestone.

Piermont, a town in Grafton County, lies in the shadow of Piermont Mountain and is bordered by the Connecticut River and the magnificent White Mountain National Forest.

The town of Piermont has a unique history. It was chartered on November 6, 1764, by colonial Governor Benning Wentworth, and the town derives its name from the "Piemonte" region of Italy, which in Italian means "at the foot of the mountain." Piermont's location in the Connecticut River Valley played an important role in the development of its proud agricultural heritage.

Piermont is home to Lake Tarleton, named after Colonel William Tarleton,

who served as a delegate to the 1791 Constitutional Convention. Two well-known summer camps are located on the lake—Camp Walt Whitman and Kingswood Camp for Boys. Each year, campers come to Piermont to enjoy the great outdoors and have some good old-fashioned summer fun.

Throughout the town's history, Piermont residents have been well known for their commitment to serve our great Nation. One distinguished Piermont resident, Ira Hobart Evans, a Civil War hero, was awarded the Medal of Honor, our Nation's highest military honor.

As the town marks its 250th anniversary this year, Piermont citizens are demonstrating their pride and community spirit with many special events in celebrating this historic occasion—including a parade in August that brought together residents, businesses, and community organizations. I am pleased to join all Granite Staters in congratulating Piermont citizens on reaching this milestone and in thanking them for their contributions to the State of New Hampshire. Congratulations, Piermont.●

### RECOGNIZING SUNSHINE ELEMENTARY SCHOOL

• Mr. BLUNT. Mr. President, I rise today to pay tribute to a school that is celebrating its 150th year of service to students in Springfield, MO. Sunshine Elementary School began serving young people during the Civil War. The wooden one-room country school house was originally located at what is now the major intersection of Campbell Road and Sunshine Lane. During the Civil War, students often witnessed the movement of troops along the road known at the time as the Old Wire Road. Later, the adjacent Sunshine Drive took its name from the school.

According to "So That All May Learn," a history of the Springfield Public School system published in 1995, Sunshine Elementary School was annexed into the Springfield School District in the mid-1920s, and the one-room school was relocated and replaced with a larger structure at its current location. The original school site, close to what is now the headquarters of Bass Pro Shops, was sold by the district in 1930.

In the boom years following World War II, student growth surged with the start of the baby boomer generation. In the late 1940s, student enrollment at Sunshine Elementary School grew by 430 kids in a single year, creating an overcrowding issue. The solution involved moving students in grades five and six to the nearby Phelps School. The first major addition to the Sunshine School came in 1950 when six new classrooms were built, along with a multipurpose room. Forty years later, new restrooms, two classrooms, and a library were added. More recently, Sunshine Elementary School became the last traditional school building equipped with air conditioning.

In October, students, faculty, parents and community leaders observed the 150th year of educating children at Sunshine Elementary School. October 24 was designated as Sunshine Elementary School Day in Springfield, which included Civil War reenactors, games, the planting of a commemorative tree, food and other fun activities.

Current and former Sunshine Elementary School students joined together for a sesquicentennial celebration at the school. Sunshine Elementary School principal David Martin encouraged students, families, faculty, and alumni to participate in the sesquicentennial by providing oral histories and historical artifacts, including photographs, report cards, yearbooks, and newspaper articles.

Today, more than 200 students attend Sunshine Elementary School. Student to teacher ratios are 12 to 1, which is the second best among the 36 elementary schools in the Springfield district. In 2014, Sunshine Elementary School academically ranks higher than 65.3 percent of elementary schools in Missouri and 11th among those in the Springfield district. I congratulate Sunshine Elementary School and its many alumni and supporters for its decades of continued service and success. Happy 150th birthday Sunshine Elementary School.●

#### REMEMBERING DR. CLEMENT ALEXANDER PRICE

● Mr. BOOKER. Mr. President, today I recognize the life and legacy of New Jersey and Newark city historian Dr. Clement Alexander Price, who was taken from us too soon on November 5. Clem was a mentor and valued friend to me, and he will be sorely missed by all who knew him.

The foremost authority on the history of African Americans in New Jersey, Clement Alexander Price was born in 1945 in Washington, DC, to James Price, Sr. and Anna Christine Spann Price. He inherited his love of history from his parents and since then instilled in generations this love for history. After earning his bachelor's and master's degrees at the University of Bridgeport, Clem came to Newark to teach at Essex Community College. He earned his Ph.D. at Rutgers University, became a professor at Rutgers University-Newark, and founded the Institute on Ethnicity, Culture, and the Modern Experience.

Clem was devoted to Newark, and he served not only as our leading historian but as a powerful spiritual force in our State's largest city. He was invested in Newark, and—ever generous with his time—was known to arrange tours for visitors that highlighted not only the city's rich history but its considerable promise. Clem always recognized the vital truth that charting a brighter course for the future requires a comprehensive understanding of the past. As a fervent believer in Newark's potential, Clem, with his unparalleled

knowledge and thoughtful advice, was invaluable to me and so many others who were elected to serve the city.

Clem's commitment to the city of Newark was surpassed only by his dedication to public service, and he lent his time and expertise to a multitude of causes and organizations. From serving as president of the Newark Education Trust to chairing President Obama's 2008 transition team for the National Endowment for the Humanities, Clem was always seeking opportunities to serve his community and his Nation. He believed in the power of civic engagement, and he dedicated his career to cultivating that engagement through historical literacy and unyielding activism in service of Newark and beyond. Clem was truly one of Newark's great statesmen.

Most of all, Clem was kind. He touched so many lives and helped all who knew him to learn, grow, heal, and come together.

Clem is mourned by his wife Mary Sue Sweeney Price, his sister Jarmila, and his brother James, and by friends and colleagues in the city of Newark, the State of New Jersey, and across the Nation. I ask that the Senate join me in remembering and honoring the extraordinary life of Dr. Clement Alexander Price.●

#### REMEMBERING GEOFFREY "CRAIG" HUNT

● Mrs. BOXER. Mr. President, today I ask my colleagues to join me in paying tribute to Geoffrey "Craig" Hunt, a 13-year veteran pilot with the California Department of Forestry and Fire Protection, CAL FIRE. Craig was an exceptional firefighting pilot, a loyal friend, and most of all a devoted family man who was tragically killed in the line of duty fighting the Dog Rock Fire near Yosemite National Park on October 7, 2014.

Craig Hunt was born in Richmond, IN, and dedicated his life to serving his country, first as a U.S. Navy P-3 pilot from 1975 to 1984 and then in the Naval Reserve for 20 years after leaving active duty. Craig was also an enthusiastic and accomplished scholar who received a master's degree in business from the University of Southern California. A lifelong interest in science and the natural world led him to also earn a master's degree in biochemistry from the University of California at Santa Cruz. His passion for learning led him to teaching. In the winter months, when the fire season was over, he worked at UC Santa Cruz as a course assistant teaching general chemistry and organic chemistry labs.

Always at home in the cockpit of a plane, Craig loved his job as a pilot with CAL FIRE. For 13 years he valiantly answered the call to protect public safety and the environment by piloting aircraft during emergencies. He had a vast knowledge about wild land fires and was skilled in pinpointing aerial attacks in places that

were difficult for ground crews to reach.

Colleagues remember Craig as an experienced and respected pilot who loved his job. He was happy and outgoing, quick with a smile, and had a fantastic sense of humor. A friend and neighbor recalled that Craig would "drop anything in a heartbeat if you needed help or assistance."

When he was not on duty, Craig was an avid outdoorsman with a passion for golfing, fly fishing, hiking, bird watching, and scuba diving. Standing beside him through it all was his beloved wife Sally, whom he met in college and married in 1975. Craig was also a devoted father to his two daughters, Sarah and Nancy. His daughter Sarah said about him, "My dad died a hero. There was not a day that went by that I didn't talk to my dad. He was my best friend."

Craig Hunt dedicated his life to his family, his community, and his country, and his courageous service will be forever remembered. On behalf of the people of California, whom he served so bravely, I extend my gratitude and deepest sympathies to his family, friends, and colleagues. He will be deeply missed.●

#### REMEMBERING EDGAR P. SILVER

● Mr. CARDIN. Mr. President, I want to take a moment today to honor retired Baltimore Circuit Court Judge Edgar P. Silver, who died yesterday at the age of 91. I am deeply saddened by the passing of Edgar Silver. He was a loyal friend, valued mentor, and trusted advisor—and not just to me but also to my father. Judge Silver served with my father on the Circuit Court of Baltimore City, and he also served with my uncle, Maurice Cardin, in the Maryland House of Delegates. Judge Silver was as fine a person as you could ever hope to meet, and he always found the time to listen. Foremost among his many remarkable qualities was his empathy. He had the rare ability to transcend generations and connect with people of any age: when he was a young man, he quickly won the respect of his elders, and as he became older he never lost the ability to speak to and inspire the young.

Judge Silver's parents Samuel and Lena were immigrants. His father was a tailor. Judge Silver was a native of East Baltimore and a neighbor throughout his later life, as well as a fellow alumnus of Baltimore City College. He served our Nation in the U.S. Merchant Marine from 1943 to 1945. He was a 1954 graduate of the University of Baltimore Law School and was elected as a city delegate to the general assembly that same year. He served in the house of delegates until 1965. In 1965, he moved to the judicial branch, where he served on the old Municipal Court of Baltimore City until 1971. He served on the District Court of Baltimore City until 1977, when he was appointed to the Circuit Court by acting Governor

Blair Lee III. Judge Silver retired from the bench in 1988. But after retiring from the bench, Judge Silver found a whole new career as a partner in Rifkin, Weiner, Livingston, Levitan & Silver LLC, where he was still working when he died.

The Baltimore Sun obituary quoted Alan M. Rifkin, who cofounded the law firm that ultimately became Rifkin, Weiner, Livingston, Levitan & Silver LLC with Judge Silver, as saying, "He lived his life by two principles: 'The best is yet to come' and 'Never trade old friends for new ones, just keep adding them on.'" I couldn't agree more. Judge Silver simply loved his home city and relished the chance to serve its citizens. He approached his time on the Baltimore Circuit Court with enormous humility and never lost sight of the fact that his decisions from the bench had far-reaching effects on people's lives. His contributions to the Maryland Legislature were varied and lasting, and the number of issues he shaped for the better are innumerable. Judge Silver was a political historian and touchstone with a perspective like few others. His counsel through the years has been invaluable to me and my family. We will be forever grateful.

I want to extend my deepest sympathies to Ann, his wife of 64 years; their children, Michael Silver and Roslyn "Rozzie" Benjamin; and Judge Silver's other family members, all of whom he loved deeply, including his four grandchildren and six great-grandchildren. The people of Maryland have lost a tremendous asset with Judge Silver's passing, but all of us who knew him are richer for having done so.●

#### TRIBUTE TO LEROY GOODMAN

● Mr. HELLER. Mr. President, I wish to congratulate Mayor LeRoy Goodman, of Fernley, on his retirement. After serving as the mayor of Fernley for several years, Mayor Goodman will be retiring on November 19, 2014. It gives me great pleasure to congratulate him on his retirement after 42 years of hard work and dedication to the Silver State.

Upon graduating from the University of Nevada, Reno, with a bachelor's degree in business, Mayor Goodman went on to earn his master's degree in education and became a basketball coach and teacher at Fernley High School in 1965. Aside from dedicating his time educating the youth in Fernley, he has devoted much of his time and efforts to the betterment of his community through his roles as a board member of the Northern Nevada Development Authority, a member of the Fernley Town Board, sitting on the board of directors for a multitude of Nevada organizations, and as Lyon county commissioner. His many years of experience made him an ideal candidate for Fernley Mayor after the resignation of former Mayor Todd Cutler. Upon being sworn in as mayor on August 5, 2009, he immediately began working on improv-

ing the functioning of the council and city operations. His main focus remained his constituency and ensuring their needs and priorities were met.

I have been fortunate during my time in Congress to be able to work closely with Mayor Goodman on Federal legislation—the Fernley Economic Self-Determination Act, S.1983, which will provide the city of Fernley the option to purchase Federal lands within the city's boundaries that are currently landlocked by checkerboard parcels of Federal land. Working alongside private business partners and State and Federal regional agencies, we are seeking to develop a long-term sustainable economic development plan that will enable all parties to benefit from the use of private land within the city. This bill will greatly help the city and will clear the way for thousands of high-paying, private sector jobs. The progress we have made in Congress on this initiative would not be possible without the mayor's strong leadership.

His service to the Fernley community extends far beyond the many positions he has held in the Silver State over the years. Mayor Goodman also served his country as a lieutenant colonel in the U.S. Air Force. I extend my deepest gratitude to Mayor Goodman for his courageous contributions to the United States of America and to freedom-loving nations around the world. His service to his country and his bravery and dedication earn him a place among the outstanding men and women who have valiantly defended our Nation.

As a member of the Senate Veterans' Affairs Committee, I recognize that Congress has a responsibility not only to honor these brave individuals who serve America but also to ensure they are cared for when they return home. I remain committed to upholding this promise for our veterans and servicemembers in Nevada and throughout the Nation.

I am grateful for his dedication and commitment to the people of Fernley and to the State of Nevada. He exemplifies the highest standards of leadership and community service and should be proud of his long and meaningful career. Today, I ask that all of my colleagues join me in congratulating Mayor Goodman on his retirement, and I offer my deepest appreciation for all that he has done to make Nevada an even better place. I offer my best wishes for many successful and fulfilling years to come.●

#### PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that Joseph Majkut, who is an American Association for Advancement of Science fellow in my office, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DAY ON WRITING

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 576, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 576) expressing support for the designation of October 20, 2014, as the "National Day on Writing."

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 576) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURE READ THE FIRST TIME—H.R. 4

Mr. WHITEHOUSE. Mr. President, I understand that H.R. 4 has been received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 4) to make revisions to Federal law to improve the conditions necessary for economic growth and job creation, and for other purposes.

Mr. WHITEHOUSE. I would ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

#### APPOINTMENTS

THE PRESIDING OFFICER. The Chair announces that appointments were made during the recess of the Senate, pursuant to the order of September 18, 2014, and those appointments will be stated in the RECORD.

The Chair announces, on behalf of the President pro tempore, pursuant to Public Law 110-315, the appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: George Hanks Brown of Colorado.

The Chair announces, on behalf of the President pro tempore, and upon recommendation of the majority leader, pursuant to the provisions of Public Law 99-498, as amended by Public Law 110-315, the appointment of the following individual to serve as a member

of the Advisory Committee on Student Financial Assistance: John White of Nevada.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 100-458, sec. 114(b)(2)(c), the appointment of the following individual to serve as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a term expiring 2018: the Honorable CHRISTOPHER A. COONS of Delaware.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 100-458, sec. 114(b)(2)(c), the re-appointment of the following individual to serve as a member of the Board of Trustees of the John C. Stennis Center for Public Service Training and Development for a term expiring 2020: Mike Moore of Mississippi.

The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 93-112, as amended by Public Law 112-166, and further amended by Public Law 113-128, the appointment of the following to serve as a member of the National Council on Disability: Bob Brown of Nevada.

#### ORDERS FOR THURSDAY, NOVEMBER 13, 2014

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2:15 p.m. on Thursday, November 13, 2014; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; and that following any leader remarks, the Senate proceed to executive session, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. WHITEHOUSE. For the information of all of our colleagues, there will be three rollcall votes at approximately 2:30 p.m. Those votes will be on confirmation of the Moss and May nominations and cloture regarding the child care and development block grant bill. Additional votes remain possible during Thursday's session beyond those three.

#### ADJOURNMENT UNTIL 2:15 P.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Thursday, November 13, 2014, at 2:15 p.m.

#### NOMINATIONS

##### Executive nominations received by the Senate:

###### FARM CREDIT ADMINISTRATION

JEFFERY S. HALL, OF KENTUCKY, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION, FOR A TERM EXPIRING OCTOBER 13, 2018, VICE LELAND A. STROM, TERM EXPIRED.

###### DEPARTMENT OF DEFENSE

DAVID J. BERTEAU, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE ALAN F. ESTEVEZ, RESIGNED.

###### FEDERAL DEPOSIT INSURANCE CORPORATION

JAY NEAL LERNER, OF ILLINOIS, TO BE INSPECTOR GENERAL, FEDERAL DEPOSIT INSURANCE CORPORATION, VICE JON T. RYMER, RESIGNED.

###### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

DAVA J. NEWMAN, OF MASSACHUSETTS, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE LORI GARVER, RESIGNED.

###### FEDERAL COMMUNICATIONS COMMISSION

MICHAEL P. O'RIELLY, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2014. (REAPPOINTMENT)

###### NORTHERN BORDER REGIONAL COMMISSION

MARK SCARANO, OF NEW HAMPSHIRE, TO BE FEDERAL COCHAIRPERSON OF THE NORTHERN BORDER REGIONAL COMMISSION, VICE SANDFORD BLITZ, RESIGNING.

###### UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

SIM FARAR, OF CALIFORNIA, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2018. (REAPPOINTMENT)

WILLIAM JOSEPH HYBL, OF COLORADO, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

###### BROADCASTING BOARD OF GOVERNORS

LEON ARON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2016, VICE S. ENDERS WIMBUSH, RESIGNED.

###### DEPARTMENT OF STATE

AZITA RAJI, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWEDEN.

###### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ROMONIA S. DIXON, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2018, VICE MATTHEW FRANCIS MCCABE, TERM EXPIRED.

###### RAILROAD RETIREMENT BOARD

WALTER A. BARROWS, OF OHIO, TO BE A MEMBER OF THE RAILROAD RETIREMENT BOARD FOR A TERM EXPIRING AUGUST 28, 2019. (REAPPOINTMENT)

###### THE JUDICIARY

ROBERT A. SALERNO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE ROBERT ISAAC RICHTER, RETIRED.

###### UNITED STATES POSTAL SERVICE

DAVID S. SHAPIRA, OF PENNSYLVANIA, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2019, VICE DENNIS J. TONER, TERM EXPIRED.

###### DEPARTMENT OF COMMERCE

MICHELLE K. LEE, OF CALIFORNIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE, VICE DAVID J. KAPPOS, RESIGNED.

###### DEPARTMENT OF VETERANS AFFAIRS

LEIGH A. BRADLEY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF VETERANS AFFAIRS, VICE WILL A. GUNN, RESIGNED.

###### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

###### To be brigadier general

COL. SHELLY R. CAMPBELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED

CATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

###### To be lieutenant general

MAJ. GEN. MARK C. NOWLAND

###### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

###### To be brigadier general

COLONEL MICHAEL G. AMUNDSON  
COLONEL CHARLES K. ARIS  
COLONEL TOMMY H. BAKER  
COLONEL JOE G. BARNARD, JR.  
COLONEL BRIAN B. BARRONTINE  
COLONEL BARRY K. BEACH  
COLONEL MICHAEL R. BERRY  
COLONEL THOMAS H. BLACKSTOCK, JR.  
COLONEL WILLIAM B. BLAYLOCK II  
COLONEL DANIEL J. BOCHICCHIO  
COLONEL CHRISTOPHER P. CALLAHAN  
COLONEL LLOYD P. CAVINESS, JR.  
COLONEL FRED M. CHESBRO  
COLONEL DAVID L.G. COLLINS  
COLONEL JAMES D. CRAIG  
COLONEL THOMAS G. CROYMANS  
COLONEL ZACHARY F. DOSER  
COLONEL GORDON L. ELLIS  
COLONEL WILLIAM J. FREIDEL  
COLONEL DANIEL J. FUHR  
COLONEL TROY D. GALLOWAY  
COLONEL JEFFREY L. GAYLORD  
COLONEL DAVID E. GRAETZ  
COLONEL MATTHEW J. HEARON  
COLONEL WILLIAM J. HERSH  
COLONEL THOMAS F. HESLIN, JR.  
COLONEL MICHAEL T. HESTON  
COLONEL MARK C. JACKSON  
COLONEL BERT S. KOZEN  
COLONEL CHRISTOPHER F. LAWSON  
COLONEL TIM C. LAWSON  
COLONEL COLLIER H. LIPPLE  
COLONEL JOANE K. MATHEWS  
COLONEL KENNETH L. MCCREARY  
COLONEL ANTHONY V. MOHATT  
COLONEL ADRIAN B. NETTLES  
COLONEL TRACY R. NORRIS  
COLONEL STEPHEN B. OWENS  
COLONEL LAWRENCE R. POWELL  
COLONEL JOHN M. PRINE  
COLONEL HELEN E. ROGERS  
COLONEL PAUL D. ROGERS  
COLONEL ROBERT A. SPARING  
COLONEL MARK C. STRONG  
COLONEL BARRY K. TAYLOR  
COLONEL BRIAN E. TREND  
COLONEL BRYAN A. TUTKO  
COLONEL WILLIAM J. WALKER  
COLONEL STEVEN H. WARNSTADT  
COLONEL RONALD A. WESTFALL  
COLONEL CLIFFORD W. WILKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

###### To be major general

BRIG. GEN. DARSIE D. ROGERS, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

###### To be lieutenant general

MAJ. GEN. FREDERICK S. RUDESHEIM

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

###### To be brigadier general

COL. EDWARD E. HILDRETH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

###### To be brigadier general

COL. STEPHEN J. HAGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

###### To be brigadier general

COL. EUGENE J. LEBOEUF

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

###### To be major general

BRIG. GEN. JOHN C. HARRIS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

###### To be major general

BRIG. GEN. LEWIS G. IRWIN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED



WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DAVID E. QUANTOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ANTHONY R. IERARDI

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MICHAEL R. REGNER

DEPARTMENT OF THE TREASURY

ADEWALE ADEYEMO, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE MARISA LAGO.

DEPARTMENT OF TRANSPORTATION

DANIEL R. ELLIOTT III, OF OHIO, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2018. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

MARISA LAGO, OF NEW YORK, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE MIRIAM E. SAPIRO, RESIGNED.

DEPARTMENT OF THE TREASURY

ANTONIO F. WEISS, OF NEW YORK, TO BE AN UNDER SECRETARY OF THE TREASURY, VICE MARY JOHN MILLER.

DEPARTMENT OF STATE

ANTONY BLINKEN, OF NEW YORK, TO BE DEPUTY SECRETARY OF STATE, VICE WILLIAM J. BURNS, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

LAUREN MCGARITY MCFERRAN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2019, VICE NANCY JEAN SCHIFFER, TERM EXPIRING.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DAVID AVREN JONES, OF CONNECTICUT, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2018. (REAPPOINTMENT)

MICHAEL D. KENNEDY, OF GEORGIA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2018. (REAPPOINTMENT)

OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

NICHOLAS J. RASMUSSEN, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, VICE MATTHEW G. OLSEN, RESIGNED.

THE JUDICIARY

LUIS FELIPE RESTREPO, OF PENNSYLVANIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE ANTHONY J. SCIRICA, RETIRED.

KARA FARNANDEZ STOLL, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE RANDALL R. RADER, RETIRED.

DALE A. DROZD, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA, VICE ANTHONY W. ISHII, RETIRED.

LASHANN MOUTIQUE DEARCY HALL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE NICHOLAS G. GARAUFIS, RETIRED.

DEPARTMENT OF JUSTICE

MICHAEL GRECO, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JOSEPH R. GUCCIONE, TERM EXPIRED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on November 12, 2014 withdrawing from further Senate consideration the following nominations:

JO ANN ROONEY, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF THE NAVY, VICE ROBERT O. WORK, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2014.

MICHAEL G. CARROLL, OF NEW YORK, TO BE INSPECTOR GENERAL, UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE DONALD A. GAMBATESA, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 6, 2014.

SHARON BLOCK, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2019, VICE NANCY JEAN SCHIFFER, TERM EXPIRING, WHICH WAS SENT TO THE SENATE ON JULY 14, 2014.